

(APPROVED: 04/07/11)

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
OCTOBER 7, 2010**

** All documents, including written testimony, that was submitted for or at this meeting are filed in the minutes file and are available for public viewing at the Maui County Department of Planning, 250 S. High St., Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson, Erik Fredericksen, at approximately 10:14 a.m., Thursday, October 7, 2010, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Commission was present (see Record of Attendance).

Mr. Erik Fredericksen: I call the - let's see, where are we? October 7, 2010 meeting for the Maui County Cultural Resources Commission - call to order. Let's see, first item, if anybody has any -- wants to testify on any item now because they have to leave early, can come forward right now, otherwise, we're going to proceed -- proceed with the meeting, and we're sticking to a three-minute time limit. Come forward, state your name, and what item you wanna testify on, please.

Mr. Ramon Madden: Aloha, everyone. Thank you for being here today. My name is Ramon Madden. I'm here to talk about the Halloween update. As I understand, it is not an actual agenda item but a director -- it's going to be brought up later. Is that correct?

Mr. Fredericksen: Okay, a comment.

Mr. Madden: Director's Report. Thank you. Now, I'm here today representing the newly organized West Maui Community Association. This organization came into being because we saw the need for more community involvement, transparency, and accountability in what happens in West Maui. The idea began when we were looking at what was wrong with the Halloween as far as, you know, what happened with the breakdown of communication and an opportunity to remove old labels and bring everybody back to the table for a discussion.

We'd like to do a lot more things than just facilitate Halloween. We'd like to see road improvements, handicap accessibility, a neighborhood crime watch, and perhaps an I love Lahaina event sometime in the future.

Now back to -- back to Halloween, the Planning Department approved the Keiki Halloween Parade. Now, there's many events happening up and down Front Street, all on private property. Now, I've been working closely for a couple months now organizing all the people

involved and what we've -- what we're asking the Police Department to do is to please close the road for safety purposes as people walk from one private event to another private event. Now, there's been just a mountain of road tape and confusion involved with this process, so we've had, from September 20, at the beginning of the association, we've managed to bring everybody to the table, have lots of meetings, and I think we got great -- my three minutes are probably only up so I'll just cut to the point and that is that the Lahaina Town Action Committee would not meet properly with the five Hawaiians that were requested by the Cultural Resources Committee. They decided to not pursue their application for a street closure. That's where we sort of picked up the ball. They didn't drop the ball. They simply set it down. So we had an opportunity to interview everyone who was supposedly opposed to Halloween; it turns out that they're not opposed to Halloween. They're opposed to certain aspects of it, and those were easily mitigated. Easily. It took a series of meetings but, in about ten days, we managed to get to the root of the problem. So we've -- and then we've taken the information that we got, went back to the Lahaina Town Action Committee, and got them to mitigate what they're doing and so everybody's concerns could be brought to the forefront. Now, the solution to this is simply a road closure for safety from Papalaua --

Mr. Fredericksen: Please wrap up.

Mr. Madden: To Dickenson Street. Thank you. Staying away from the historical districts. That was the exact request brought to by the people who were opposed to Halloween. The applications are with the Police Department, to follow through with that the insurance is through the Lahaina Town Action Committee. And if there's any questions, I did pass out a flier here. Now, I'm speaking from the West Maui Community Association; later, I'll have to leave for a little while and I'll be back, but Jill Holley will be here to represent the Lahaina Town Action Committee to verify what I'm saying. Unfortunately, Keeaumoku Kapu, who said he would be here today, and with a few other people representing the interest, said he could not make it because of a dire emergency today, but what he did give me is a verbal testimony on tape, and I don't know if you guys would let me submit a tape of testimony, but I would be happy to have that transcribe and bring it back at another date.

Mr. Fredericksen: We can accept the tape and then it will be transcribed by the County.

Mr. Madden: Fantastic. Thank you very much. And with that, is there any questions?

Mr. Ray Hutaff: I do have one quick question.

Mr. Madden: Thank you very much.

Mr. Hutaff: You say here that you have -- it's all going to be entirely on private property, and then you mention other private businesses. Can you, at some point, cause obviously we're going to be here again, is give us a list of the private properties?

Mr. Madden: Thank you. Thank you. We have the Hard Rock Café, on the one on Front Street. We have Longhi's.

Mr. Hutaff: Okay, well that's businesses. I'm assuming then that these are the only lists that you have. There's no other private properties involved?

Mr. Madden: I'm sorry, what I meant, private properties, I meant, you know, private businesses.

Mr. Hutaff: Okay.

Mr. Madden: I'm sorry.

Mr. Fredericksen: Business establishments.

Mr. Madden: Establishments. The private property, I guess, would be Lawson and Associates and the other companies that own the property the businesses are renting from.

Mr. Hutaff: Okay. Okay, fine. That's fine. As long as you have a list of what's going on that's fine.

Mr. Fredericksen: Thank you.

Mr. Madden: Thank you very much.

Mr. Fredericksen: Okay, anyone else for any other item?

**B. INTRODUCTION OF NEW COMMISSION MEMBERS - BRANDIS SARICH, AIA
and WARREN OSAKO**

Mr. Fredericksen: Okay, let's move on to Item B, Introduction of New Commission Members. Stanley, are you doing that, Item B, or should I? I'll do that? Okay, I'd like to welcome two new Commission Members to the CRC. I'm going to just say names and then, hopefully, I got the last names correctly. Brandis Sarich. Okay, good morning, Brandis, and welcome aboard. Maybe if you could just say a very brief blurb about your -- she's the architect, we had a void there, so now we have an architect on the CRC, which is great. If you wanna say anything, Brandis, you can, just briefly.

Ms. Brandis Sarich: Thank you for having me here and I really hope that I can be of service in helping to protect the amazing historic properties that we have on this island and the other islands.

Mr. Fredericksen: Well, welcome aboard.

Ms. Sarich. Yeah, thank you.

Mr. Fredericksen: Yeah, welcome aboard. It's great to have an architect onboard. And then from the island of Lana`i, we've got Warren Osako, and welcome, Warren.

Mr. Warren Osako: Thank you. Hopefully, I can do the same and be of help. I was born and raised on Lana`i so, hopefully, I can input information that way.

Mr. Fredericksen: No, that's fantastic. Welcome once again, Warren and Brandis.

C. APPROVAL OF MINUTES OF THE MAY 6, 2010 and JUNE 3, 2010 MEETINGS
(Distributed with the September 2, 2010 Agenda. Commissioners: Please bring your copies.)

Mr. Fredericksen: Let's see, Item C, approval, and this goes way back, approval of minutes of the May 6, 2010 and June 3, 2010 meetings. Any Commission Member have any corrections or comments? If there are none, does any Commission Member want to move that the minutes be approved, accepted?

Mr. Hutaff: I move that we approve the minutes from May 6, 2010 and June 3, 2010.

Ms. Rhiannon Chandler: I second.

Mr. Fredericksen: Okay, we have a second.

There being no discussion, the motion was put to a vote.

It has been moved by Mr. Hutaff, seconded by Ms. Chandler, then unanimously

VOTED: to approve the minutes from May 6, 2010 and June 3, 2010.

Mr. Fredericksen: Alright that passes. The meetings, excuse me, the minutes have been approved. Item D, Banyan Tree Park - Report from Parks and Rec. Please state your name.

D. BANYAN TREE PARK - Report from the Park and Recreation Department of confirmed users for Banyan Tree Park for 2011

Mr. Steve Ashfield: Aloha kakahiaka. My wife said I should say something Hawaiian. I sound like I just said a prayer to one of our state senators in the U.S. Okay, good morning. My name's Steve Ashfield. I'm from West Maui. I'm representing the Parks and Recreation Department. Before you, everybody should have got a list of all the dates of usage for 2011. The last page is the closing dates. We close one weekend a month. I'm guessing also that nobody else has applied and been okayed other than the Na Kupuna, which does businesses, Aloha First and Lahaina Arts Society is the only two liable candidates to sell stuff underneath the Banyan Tree. Also, Lahaina Town Action Committee, which has the seven dates exemption for special events, such as the Arts Festival, Banyan Tree Birthday, The Lighting of the Banyan Tree, and King Kamehameha Day Parade and Ho'olaulea, and you don't think being a haole trying to say Hawaiian words is tough. I tried. So what happens now, if you say this is okay and those are the only people, they go back and they decide which dates they wanna take. They have a meeting, they decided which dates they wanna take. Also, they can change dates as long as they keep one weekend opened a month because I don't know when boats come in, and it seems that when a boat comes in, it's very important to have something underneath the tree so they can earn more money for their Lahaina Arts Society and the Na Kupuna. Also, we found out this year that a good day not to have is the day that they have the race, the Maui Marathon, cause they close the street, and not may of the marathon people have the chance to stop and buy something on the way. So I've closed it that weekend and, hopefully, that one stays, and that's the September 18. So I'm just here to say this is what we have. Is it okay? You don't really have to vote. Other years you didn't have to vote on it. We're just letting you know and letting us know if there's any other people that has put forth to try and sell, to become a vendor the Banyan Tree.

Mr. Fredericksen: Okay, thank you. Any audience members have -- wanna testify on this item, come forward? Okay. Commission Members, anyone have a question or comment about the methodology? Yeah, Brandis?

Ms. Sarich: I'm just on the board of Lahaina Arts Society so I don't know -- I just wanna let you know that.

Mr. Fredericksen: Well, that's fine.

Ms. Sarich: Okay.

Mr. Fredericksen: So we know. Any -- any comments?

Ms. Chandler: Chair?

Mr. Fredericksen: Yeah, Rhiannon?

Ms. Chandler: Steve, good morning. I wanted to just ask if there were any significant changes from last year's schedule to this year?

Mr. Ashfield: No. It just -- it's almost exactly the same except most of the dates were changed.

Ms. Chandler: Okay.

Mr. Fredericksen: Any other questions? Okay, I'm -- okay, anybody wanna make a motion to say that this is fine?

Ms. Veronica Marquez: I move to say that this is fine.

Mr. Fredericksen: Any second?

Ms. Makalapua Kanuha: I'll second.

Mr. Fredericksen: Okay.

There being no further discussion, the motion was put to a vote.

It has been moved by Ms. Marquez, seconded by Ms. Kanuha, then unanimously

VOTED: that the Banyan Tree Park schedule for 2011 is fine.

Mr. Fredericksen: Okay, sounds good. You folks have been doing this for some time and --

Mr. Ashfield: We'll see you next October.

Mr. Fredericksen: Yeah, thanks for bringing the info.

Mr. Ashfield: Aloha. Thank you.

Mr. Fredericksen: Okay, let's see, let's move into Item E, Advisory Review.

Mr. Stanley Solamillo read the following item description into the record:

E. ADVISORY REVIEW

1. **COUNCIL MEMBER JO ANNE JOHNSON, requesting review and comment on Council Resolution No. 10-43, entitled, "A BILL AMENDING CHAPTER 2.88, MAUI COUNTY CODE, RELATING TO THE CULTURAL RESOURCES COMMISSION, and TITLE 19, ARTICLE III, MAUI COUNTY CODE, RELATING TO MAUI COUNTY HISTORIC DISTRICTS." The CRC may provide comments and recommendations. Public testimony will be accepted. (Joe Alueta, S. Solamillo)**

Mr. Stanley Solamillo: I probably am going to ask Joe Alueta because this is a Council sponsored resolution to inform you about the protocol for review, comment, and adoption of the resolution as it comes from Council to the County Planning Department and then goes through this Commission, then to Planning Commission, and back to Council.

Mr. Joseph Alueta: Aloha. My name is Joe Alueta. I'm the Administrative Planning Officer, and I handle most of the administrative rule changes as well as changes to primarily to Title 19.

Mr. Fredericksen: Good morning. Thanks for coming.

Mr. Alueta: Good morning, guys. Hi, Bruce. It's been a while. Bruce has been on the Planning Commission so he kinda knows my roles as well as how the resolutions are handled. Changes to the ordinances or the law can happen either two ways: they can be initiated by the Department or by the administration, which goes through the normal process of going through the commissions or things that deal with the CRC come here, or a change in the law can happen by resolution. I'm sure some of you have seen your *School House Rock, I'm Just a Bill Sitting on Capitol Hill*. Kind of the same process. A resolution comes down, it goes through various commissions to get reviewed. In this case, when you're dealing with Title 19, it's by Charter, it's required that all three Planning Commissions review it. In this case, because it deals specifically with the Cultural Resources or the old Historic Commission, and the naming of it, it comes to you for review because there's also some substantial changes in the processing for historic review and that's where Stan comes in mostly to get your comments and recommendations on that. My job is to take it from there, I'll take your comments, and then I will take them to the three Planning Commissions. From there, it will be transferred -- transmitted back up to Council, and Council will then, hopefully, take action. There is a time limit -- it's not a time limit in the sense of you have to get it in. It's a time limit in which Council can act on a resolution without waiting. And so it's like a 120 days from the time we received it.

Mr. Fredericksen: Which was?

Mr. Alueta: We received it on August 26 so, traditionally, we try to make the 120 days, however, given the fact that there's a busy schedule on both the three Planning Commissions as well as preparation of minutes. We try to make it but a lot of times we don't make that 120 days and we let Council know and Council will tend to wait for us before we have it.

Mr. Fredericksen: Yeah, cause we didn't -- we didn't meet last in September either so --

Mr. Alueta: Correct. And one of the -- this is a, I don't wanna say a rehash, there was a previous bill, and Bruce may have remembered or Commissioner U`u will remember, that we had drafted or there was another one that came through, and it went through all Planning Commissions already, and it was just a name change from the Historic Commission to the CRC. The difference between that bill that came through last year is that there's some processing and definitions that I'll let Stan go through and get your recommendations on. And so that's my role. Any questions?

Mr. Fredericksen: Any Commission Members have questions at this point? Can you stick around for a little bit, Joe, in case we got --

Mr. Alueta: Yeah.

Mr. Fredericksen: Okay, just -- I mean for this item. Thank you.

Mr. Alueta: And I'll just say, Stan, is that although it's primarily for the Planning Commission for comments because it's Title 19, you were, specifically, listed I guess to have comments so your comments will be sent up separately from all the commissions so the commission knows what you're going through and then your comments will also be noted to Council when it gets transmitted.

Mr. Fredericksen: Joe, and I'm not sure if this is a question you can answer, but what -- you said there were substantial changes in this. Any stick out to you?

Mr. Alueta: Well, it's just that it's not just a name change.

Mr. Fredericksen: Right.

Mr. Alueta: There's also -- there's talk about preservation of many fine trees that now exist within it, so there's some new language that's more than just corrections of names.

Mr. Fredericksen: Of names and whatnot.

Mr. Alueta: Correct. And then -- nothing that I feel will, from a processing standpoint, they just get into the -- the code tries to into more of some of the issues of processing, like the director shall not issue the permit until you get comments from -- approval from the CRC or qualified under 19.

Mr. Fredericksen: Now that was not the case before. The "shall not" has been inserted, right?

Mr. Alueta: Correct. That's why, and that's a change too.

Mr. Fredericksen: So that's an approval action that has to come from the CRC before a particular item would be approved or commented upon by the Planning Department. Is that how that's -- how they read that?

Mr. Alueta: Yeah, if it's saying "shall," they shall not issue it, so it's giving -- so it's sort of giving authority to and I'm not sure whether or not that authority previously existed, or if your authority was confined to certain structures or certain areas. I'll leave that to Stan to kind of help me and guide the Commission also.

Mr. Fredericksen: Thanks, Joe. Stan?

Mr. Stanley Solamillo: Okay, I hope this doesn't come under the classification of the most boring presentation you ever have received from me. Since a lot of the definitions are included in the actual code come from the Federal definitions, we're going to go back to when we were here last year and had kind of this brief synopsis of the definitions that you should be aware of. The first one that I'm going to present to you is National Register of Historic Places, which is based on both No. 15: How to Apply the National Register Criteria for Evaluation. Historic property categories include: building, structure, object, site, and the ones that we're most concerned about with, Chapter 2.88 and Title 19, are districts. For building. A building is created principally to shelter any form of human activity. A building may also be used to refer to a historically and functionally related unit, such as a courthouse and a jail, or a house and a barn. Structure. The term structure is used to distinguish between -- or excuse me, from buildings those functional constructions made usually for purposes other than creating human shelter, and that include bridges and things of that nature. A lot of times they could be strictly utilitarian or engineering. Under object. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed although it may be by nature or design moveable. An object is associated with a specific setting or environment. So those images of Ku, which were at the Bishop Museum, those are objects, right? Okay, site. A site is a location of a significant event of prehistoric or historic occupational activity, or building or structure whether standing, ruined, or vanished where the location itself possesses historic, cultural, or archaeological value regardless of

the value of any existing structure, and sometimes the site may remain important even after the buildings and structures have been removed, okay? District. A district possesses significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

Types of significance. In order to determine whether a building or a site or an object or a district is eligible for listing in the National Register of Historic Places, and conversely the Hawaii Register of Historic Places, we go through what we call "criterion work" to determine types of significance. Criterion A, and that -- these are associations with events that have a significant contribution to the broad patterns of our history. Criterion B. These are associated with the lives of persons significant in our past. Criterion C. These embody the distinctive characteristics of a type, period, or method of construction, or they represent the work of a master or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction. Or D, that have yielded or maybe likely to yield information important in prehistory or history.

Criteria considerations. Ordinarily, cemeteries, birth places, or graves of historical figures. Properties owned by religious institutions or used for religious purposes, such as that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register, however, such properties will qualify if they're integral parts of districts if they do meet the criteria or if they fall within the following categories, and then they go through a whole series again, which I kind of will breeze over.

Okay, in order to provide the background, and that's for any district nomination, and that's for any building which we want to nominate to the National Register or the Hawaii Register, we have to document the significance of the property, and that falls under the category of something called "historic context." The property must be documented through the provision of a historic context, and also we use the integrity evaluation as far as determining if the building, structure, site, or object, or district is eligible, and that includes locations, design, setting, materials, feeling, and association.

NHRP nominations, you have Bulletins No. 16A and 16B. They explain pretty clearly how to complete National Register Registration Forms and National Register Multi-Property Forms.

Now, National Historic Landmarks, and that is what Lahaina is. This is a very special type of historic district, and it's covered under the Code of Federal Regulations, Title 36 Part 65, and you can refer to history and prehistory in the National Park System and National Historic Landmarks Program from 1987, and the National Register Bulletin, How to Prepare National Historic Landmark Nomination Forms.

Briefly, purpose and authority. The purpose of the National Historic Landmarks Program is to identify and designate NHLs and encourage long-range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. Under effects of designation, the purpose of the NHL program is to focus attention on properties of exceptional value to the nation as a whole. The program recognizes and promotes the preservation efforts of Federal, State, and local agencies as well as private organizations and individuals and encourages the owners of landmark properties to observe preservation precepts.

We've gone over all the preservation precepts in a workshop. We don't have the time to go over them today. But this kind of sets up the background which with we can move in and begin looking at our code. I'm going to go a little bit more into the history of Lahaina because it's probably the most important of all our districts and was actually the reason why the code amendments have been presented to you.

Okay, Lahaina is a really large district, and it has a history. It doesn't have a lot of land area. It has more sea area than it does have land area. And it was established in 1966. Up to this point, in recounting the history of the NHL, I have been telling the Commission, and I apologize, the records that I had indicated that the NHL was actually formed first and the Maui County Historic Districts were formed later. That is incorrect. We finally, at the request from an attorney actually, had to go and locate the actual Historic District maps and we found out that Maui County had actually formed the Historic Districts in Lahaina, Nos. 1 and 2, in 1961 and 1962. A planner from Honolulu, who is with the National Park Service, named Fred Apple, is the one who came in and established the boundaries of the NHL, and those are the larger boundaries, so that's why we have two districts. We have two smaller ones, Historic District No. 1 and Historic District No. 2, and then we have the NHL, or National Historic Landmark. These are the two districts combined. These are the County districts.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: What -- at the Federal level --

Mr. Solamillo: Yes?

Mr. Fredericksen: Are Districts 1 and 2, is there any differentiation at the Federal level?

Mr. Solamillo: No. The Feds only recognize the NHL.

Mr. Fredericksen: Okay. Thank you.

Mr. Solamillo: Actually, I'm incorrect. This is a description. It looks like a land zoning map. This is actually -- it shows part of the -- this is the NHL boundaries, which are larger. Now, what has happened since the districts were established in 1961 and 1962, and the National Historic Landmark District was established by the National Park Service in 1966, we've had significant change, which has occurred in the district. When the original districts were established, Pioneer Mill Company, the historic sugar company in this area was growing cane in a lot of the areas or a lot of the vacant parcels that were contained within the district boundaries, and that's the NHL district boundaries. So this is an aerial photograph, I believe, from 1946, and it shows you how much cane was growing, and everybody who has been here for a while has seen the sequence. As we go through time, this is 1960, it still has a lot of cane. But we begin to urbanize in the late '60s and early '70s to the point that's 1987 where the cane becomes urbanized and all of a sudden you have more non-historic buildings than you do historic buildings, which places our efforts at preserving the actual historic buildings in Lahaina on more of a precarious position. Over time, and this has been happening throughout my tenure here, but probably amped up during the 1990s. We've been losing a lot of historic buildings throughout Maui, and a lot of historic buildings in the Lahaina NHL. We lose probably between two and three. If we were struggling to keep the historic properties before this time, then we're especially challenged now because a lot of demos continue to come in. I think the total amount --

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yeah?

Mr. Fredericksen: Excuse me. A Commission Member has a question.

Ms. Chandler: Good morning, Stan.

Mr. Solamillo: Good morning.

Ms. Chandler: My question is one of the criteria you mentioned earlier was that a property can remain historic even if the building no longer exist?

Mr. Solamillo: Correct.

Ms. Chandler: Do you see that as something that we can continue to push for even though we're losing a lot of these buildings? Or what is your opinion on that?

Mr. Solamillo: It depends on what basis the original property was eligible, what criteria it would have been eligible. Probably the things that saved the district and allowed the district to continue into existence are the fact that it has subsurface archaeological remains, and it also has unique Hawaiian history - the former capitol of Hawaii. And because of that, we

were actually instructed by the National Park Service, two years ago, to begin thinking about amending the nomination, that means going and rewriting the text, as well as doing a boundary amendment to the entire NHL district.

Ms. Chandler: Was the recommendation that the boundary be larger or smaller?

Mr. Solamillo: The boundary will probably be smaller. This is a graphic which actually shows numbers of demolitions that have occurred probably since 1983. I think we've lost 85 buildings from 1983 through 2010. And the parcels have been identified in color. If there's more than one building which has been demolished on a specific parcel, then there's a separate number that's shown in red. I'll back up. I'm sorry. The dates for demolitions on this are going to be 1980 to 2008, not 2010.

Okay, this is going to read like mud. Sorry about that. I guess this is turn the lights on and we'll use paper copy. Before we go through into this, I want to commend Council Member Johnson for her efforts at trying to address the issues of demolitions in the Lahaina NHL and for actually being the sponsor for the proposed changes to our code.

Okay, under Section 1, under 2.88.020, everything that is shown in brackets is going to be a deletion, everything that is shown as underlined is an addition. So what is bracketed are the first two lines, definitions for council; definitions for county; "department" has been changed to Department of Planning; under historic preservation "State" is rendered in lower case "state." Under "Historic properties," "national register of historic properties" is the proper nomenclature for that. "Mayor" means the mayor of the Maui County is shown within brackets as is "Professional" and as is "State" under Definitions.

Do we wanna vote, this is a question for Corp. Counsel, do we wanna vote section by section, or do it all as one?

Mr. James Giroux: Actually, it's up to the Chair but what I think you can do is go over it and point out what these changes are.

Mr. Solamillo: Okay.

Mr. Giroux: And if you have comments of whether you feel they're significant or not significant, and the board can go into discussion about that. If you're deeming the changes non-significant and there's objections from the board, then maybe you can just move on from there.

Mr. Solamillo: Okay.

Mr. Giroux: Like you can stop now and just ask are there any changes in that section that seem to be significant to anybody or -- in order to have discussion.

Mr. Solamillo: So I guess I'll ask the question then. Is there any -- are there any changes, which I've just mentioned, which appear to be significant to members of the Commission?

Ms. Marquez: Not necessarily significant. However, so we don't need to define "council" and we don't need to define "county?" Is that assumed?

Mr. Solamillo: I don't know because -- is Joe here? Joe is not here.

Ms. Marquez: Yeah, I mean I -- I've learned in life that ...(inaudible)...

Mr. Solamillo: You have, in a larger document, which this is part of a large code book, which is about that big, and "council" probably has already been defined as is "mayor" as is other things. What this specifically -- this ordinance deals with is powers and duties of this Commission, which, up to this point, had been known as the historical commission. You are now officially the Cultural Resources Commission, and that came into effect I think in 1990 or so when you became a Certified Local Government. So we just have to update the nomenclature, which has not occurred in the actual ordinance that created this Commission.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: Let's go through it, and then we'll get public testimony, and then we'll go back and --

Mr. Solamillo: Okay.

Mr. Fredericksen: Vote on it however it looks or comment on it however -- maybe section by section. Whatever is ultimately the most manageable is fine, but let's just go through it and then we'll get public testimony.

Mr. Solamillo: Okay, under 2.88.030, these are the proposed amendments: the insertion under B, "The commission shall consist of nine," and the insertion is "appointed members." What is being deleted is "The members shall be." So the sentence continues, "nine appointed members by the mayor with the approval of council." The deletion is, "and shall be chosen from professionals and persons with special interest in the following disciplines," those include, "architecture, history, archaeology, planning, architectural history, Hawaiian culture, and ethnic history and culture of the county." Alright, the next inserts --

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: So that's, if I'm reading this correctly, that's being deleted?

Mr. Solamillo: If it's shown as brackets, yes.

Mr. Fredericksen: Well, I would have -- I would disagree with that because that's -- oh, okay. Okay. Never mind. Continue on. Sorry. It's the next item.

Mr. Solamillo: Okay, in the next line, it says, "The mayor shall solicit lists of two or more persons, recommended by community and professional organizations, such as the Maui Historical Society, and the AIA Maui, a chapter of the American Institute of Architects, as well as the state office of Hawaiian affairs, for consideration in making commission appointments. Commission members should have a demonstrated interest, competence and knowledge in historic preservation."

Next item, under C, insertion, "When one of the aforementioned," oh, excuse me, deletion, When one of the "aforementioned" disciplines is not professionally represented, the commission shall seek, through appropriate means, the expertise "of professionals," that's an insertion, "of professionals," in the disciplines when considering national register nominations and other actions that will impact properties that are normally evaluated by a professional in such a discipline.

Mr. Fredericksen: Stanley?

Mr. Solamillo: Yes?

Mr. Fredericksen: Excuse me. Just for the members of the public, the professionals in the disciplines of archaeology, planning, architecture or architectural history, or Hawaiian culture or history, those are the disciplines that this item is referring to and those are contained within that item C.

Mr. Solamillo: That's correct.

Mr. Fredericksen: Just info for the public, members of the public.

Mr. Solamillo: Okay, so we are meeting -- actually, the CLG requirement and --

Mr. Fredericksen: Bruce, did you have a question?

Mr. Bruce U`u: Yes.

Mr. Fredericksen: Yeah. Hold on. Bruce has got a question.

Mr. U`u: Question. So we going look for the expertise of professionals, not just professionals, but experts in that fields?

Mr. Fredericksen: Yeah, and that's what we've got on the Commission right now. It was taken out of item B cause it's redundant.

Mr. U`u: Yeah.

Mr. Fredericksen: It was repeated, I guess. It was kind of like --

Mr. Solamillo: That's correct.

Ms. Chandler: Chair?

Mr. Fredericksen: Veronica?

Ms. Chandler: Oh.

Ms. Marquez: Oh. Stanley?

Mr. Solamillo: Yes?

Ms. Marquez: Or maybe counsel. Define "professional?"

Mr. Hutaff: Yeah.

Ms. Kanuha: Yeah.

Ms. Marquez: I think we really need to know this one.

Mr. Hutaff: Paid.

Mr. U`u: Paid.

Ms. Marquez: Well, depends.

Mr. U`u: And I agree.

Ms. Marquez: Thank you. Who can define "professional?"

Mr. Solamillo: There's actually a Federal regulation which actually specifies that the criteria necessary to be called a "professional," say for a historian, an architectural historian, a preservation architect, an archaeologist, and those are mandated to be members of this Commission; that's why we have to go scrambling when we need an architect or we have to go scrambling when we need an archaeologist.

Ms. Marquez: Not necessarily a person who is paid?

Mr. Solamillo: No, they have to be degreed. They have to have certain -- they have certain qualifications, years of experience, being published, things of that nature, which makes them a "professional."

Mr. Giroux: Yeah, Stanley, if you look at the 2.88.020, it defines "professional," and then it refers to the Federal statute of -- "in Appendix A of the Code of Federal Regulations, 36CFR61." And it goes on for several pages to define every area in what they would consider as a qualified professional.

Ms. Marquez: And that's why you just commented a few seconds ago?

Mr. Giroux: Yep.

Mr. Solamillo: Yes.

Ms. Marquez: Okay.

Mr. Fredericksen: Rhiannon?

Mr. Solamillo: Thank you, James.

Ms. Chandler: I'm sorry. Thank you, James. I think maybe you might have just answered my question, but my question was going to be: How do you define "professional" in the realm of Hawaiian history or culture because if it is meant to be degreed, I don't think that we -- I, personally --

Mr. Fredericksen: ...(inaudible)... experience.

Ms. Chandler: Yeah, experience. And is it necessary to quantify something like that at this point because it seems like it could potentially come up as a vagary that people can point to, oh, you're not necessarily a professional, or you are, and what, you know, standards are

we going to hold? Something like traditional knowledge, which is typically passed down rather than --

Mr. Solamillo: Correct and --

Ms. Chandler: Academic ...(inaudible)...

Mr. Solamillo: And that's where you get into the realm of cultural practitioner, which is one of the titles which is specified as being required to be on this Commission, but there is -- in order to make our Certified Local Government status or those requirements, we must have the archaeologist, the architect, the historian. There's like three or four basic professional -- professional classes that we have to have in order to maintain our status as well as make the requirements of the National Park Service. So that applies to those. And then when you get into the realm of cultural practitioner, it's really up to Hawaiians to define who is and how is not, right? So we don't get into the ...(inaudible)... you must be degreed from U.H. and have gone through this course -- does that -- does that help you?

Ms. Marquez: Well, then let me piggyback on that because I'm sitting here and I'm looking where do I fit? No, seriously.

Mr. Fredericksen: Well, there are other commission members too.

Ms. Marquez: I'm sure. So, you know, I'm still sitting here, and it's my fifth year, with this mana`o: Where do I fit?

Mr. Solamillo: As long as we have the mandated required professionals, which are the architect, the historian, right, the archaeologist. Those are the mandated, I think, three classes that you have to have. Then you have people that do oral history or folk history that are knowledgeable about the practices, or knowledgeable historians about local history on specific islands and specific places, then you have cultural practitioners, and, you know, it covers -- it's rather broad, but it just mandates the County that they must a certain minimum of qualified professionals in order to do business.

Mr. U`u: Just to add to all that was mentioned, as far as professionals, and I agree what she's saying, you know, it says, "a majority of professionals," and maybe that's part of the reason why we don't have quorum. When you're being so selective in bringing in people to do a civic duty and you, you know, it's going to be tough. This is the first -- most people I ever did see on a CRC commission meeting right now, today, and that might be part of the problem by making it professional. And to some part, you can have a Cultural Resources Commission and nobody needs to be Hawaiian. So it's so anti-Hawaiian at times to say "professional." Expertise and professional, to be more specific. And if I close my eyes and I think about, like if I get one expertise, and I not downing anything, it's almost

racist to say you need to be an expert, to some degree, because a lot of -- I wouldn't be here. She wouldn't be here. I don't know who else would be here.

Ms. Kanuha: I wouldn't be here.

Mr. U`u: You wouldn't be here.

Mr. Fredericksen: It's not for the -- they're just -- because it's - what is it, Certified Local Government? The grant. The Federal Government said, well, there needs to be three commission members --

Mr. U`u: No, I understand. It's a grey area. Believe me. I went through the process of being nominated. I understand the process. I am not educated. I'm not this. That's what they all said. And we going run into -- and then who's going to want to run? Or who's going to wanna be appointed? And that's the problem. And then you look -- and I come to my first meeting and we get five? It should be who is willing. I no see that in here. Who's going to be responsible and show up. We missing the common sense practical approach and we going into education. If I'm not mistaken, four percent of U.H. is native Hawaiian. And then you going go and be selective that, oh, you gotta be in planning, architecture, architectural history. I think we going away from the spirit of the Commission.

Mr. Fredericksen: The cultural.

Mr. U`u: The Cultural Commission. We going away from that side and we being more westernized, you know. We being more -- it's western. It's a western process that we adopting but we going be native Hawaiian. You know, it goes away from that. And that's how I feel. But that's only my comment.

Ms. Marquez: So I guess, Bruce, this is a western mana`o, in essence?

Mr. U`u: Yes, if we adopt the rules that I'm reading, it is. Yes. I agree.

Mr. Fredericksen: It's the -- this is based on the Federal, I guess the County getting a Federal grant and that's how the -- what's the Federal -- the Feds says because it has something to do with cultural resources, archaeology, architecture, architectural history, Hawaiian history - Keoki Raymond was on the -- no, not Keoki, now I can't remember -- he might have been on the Commission at one point, but I mean it's -- those positions, the three positions, and it's basically who, like you said, you know, who wants to do it to begin with, if anybody wants, and it's a scramble a lot of times trying to find somebody who can --

Mr. U`u: No, it's just my mana`o.

Mr. Fredericksen: No, and that's --

Mr. U'u: I'm not against. I just sharing my mana`o.

Mr. Fredericksen: No, it's good. Nothing's perfect, and I agree.

Mr. U'u: Yeah. Obviously.

Mr. Fredericksen: Rhiannon?

Ms. Chandler: Thank you, Chair, and thank you, Bruce, because a lot of -- I agree with that on a lot of levels. I think if we're going to quantify a number of professionals, then maybe we should quantify a counter-balance of cultural people or something cause I think what we see sometimes is, or feel from the public, is that the perception that the CRC is maybe not composed of as much of a cultural strength as it is on western or academic strengths so because what we are protecting is innately cultural, it seems like there should be some specification that we have that filled in a balanced way. And I understand what you're saying also, Erik, that there are only three positions that are required to be filled by professionals, and I also agree that those three positions are very necessary because I know nothing about archaeology or architecture and that's what we're evaluating a lot of times. So I appreciate that, but I think that maybe if there could be that balance, and I don't even know how to insert that at this point, but if we could just maybe think about that as part of this. Thank you.

Mr. Fredericksen: Thank you. Ray?

Mr. Hutaff: Bruce, thank you. That was really an awesome statement and definitely did put some things into perspective is that in Hawaii, because of the lack of the written language in the past and the oral traditions and the respect that we have for our ancestors, we can't speak on untruth, okay, but that's not necessarily looked at positively in the "western world" or in the attorneys world as called here say, okay. I think that you're right that there really does need to be an understanding of what the western side is doing for us, helping, which we certainly do appreciate. We wouldn't be here without the grant. But at the same time, there should be some way for us, maybe at a later date, to subpoena or to - not subpoena, but to get with the Federal Government and say, thank you; we agree with you; we definitely should have certain people, but there should be provisions for cultural practitioners and people with the mana`o in the Hawaiian culture to speak it so that we stay balanced culturally. So I agree. Thank you very much.

Mr. Fredericksen: Yeah, good point.

Mr. Solamillo: May I interject, please?

Mr. Fredericksen: Yeah, Stanley?

Mr. Solamillo: Mr. Chair. I'm sorry that I brushed over the introduction or the intro sentence to Section 3, which states: The majority of the commission members and -- or shall be professionals in the disciplines of archaeology, planning, architecture or architectural history, and Hawaiian culture or history. Okay, it specifies that. The Commission Members wish to have more categories listed under Hawaiian culture and history?

Ms. Marquez: Still though it qualifies to go on "each having professional representation," so here we go back again, be it your archaeologist, however, the Hawaiian culture mana`o, it says, "each having professional representation," and that's why the term "professional" sort of --

Mr. Fredericksen: And for cultural practitioner, that's -- it's more of an experience.

Ms. Marquez: But wouldn't that be like an oxymoron - a professional cultural --

Mr. Fredericksen: No, that's, yeah, it doesn't --

Ms. Marquez: You know what an oxymoron is?

Mr. Solamillo: Yeah. Would you like additional categories, or would you like "professional" struck?

Ms. Marquez: We need to still think.

Mr. Solamillo: Okay. Warren?

Mr. Osako: It also states here, "and person with special interest in the following disciplines," so it doesn't necessarily have to be a professional, according to the wording. It says, "professional and a person with special interest." If I read it correctly.

Ms. Sarich: Can I say something?

Mr. Fredericksen: Yes, Brandis. I'm sorry.

Ms. Sarich: That's alright. I appreciate a lot of what you said, Bruce, because definitely in coming to the Commission, I have a lot of knowledge of architecture and of how historic preservation works, but I was very worried about my place in this community as far as understanding the culture well enough to weigh in on things. So I wouldn't necessarily

wouldn't want to be weighing in without the balance of those of you who understand the culture really well. So I like that idea of the balance that Rhiannon brought up.

Mr. Fredericksen: Yeah, well, just the very title of the Commission is "Maui County Cultural Resources Commission."

Ms. Chandler: Chair?

Mr. Fredericksen: Yes?

Ms. Chandler: Stanley suggested that maybe we could potentially add additional categories in the realm of culture. Are there any -- cultural practitioner is not listed maybe.

Mr. Fredericksen: Yeah, and that's something -- let's write that down and when we get through this, that's a comment, I think.

Ms. Chandler: Yeah.

Mr. Fredericksen: Is -- and then we can --

Ms. Chandler: Okay.

Mr. Fredericksen: I agree.

Ms. Chandler: And my only question is going back to Veronica's question: How do we quantify -- or how do we name that cultural practitioner as being professional? At what level would that be acceptable in the nomination process because, as Bruce mentioned, we don't wanna leave it vague because when that person is standing at the podium and people are questioning, you know, their nomination, you wanna have something to hold them on, you know, so

Mr. Fredericksen: Yeah.

Ms. Chandler: That qualifies you as --

Ms. Kanuha: As a professional.

Ms. Chandler: Or not having to be ...(inaudible)...

Mr. Fredericksen: I don't think the label "professional" is appropriate to place on -- on a member of the community who's a cultural practitioner. I mean that's my personal opinion.

Ms. Chandler: Maybe simply years of experience or something.

Mr. Fredericksen: Yeah, that's where experience would -- would definitely weigh in. Yes, Ray?

Mr. Hutaff: If we go back to 2.88.030, Section B, where they have the suggestion that they cancel out "and shall be chosen from professionals and person with special interest in the following disciplines --" "special interest in the following disciplines: architecture, history, archaeology, planning, architectural history, Hawaiian culture, and ethnic history and culture of the county." If you put that back in, we're all done. There's no more argument.

Mr. Solamillo: Do you want to do it as a substitute on C?

Mr. Hutaff: Because that qualifies for pretty much what you were saying although it, you know, in a statement ...(inaudible)...

Mr. Fredericksen: Run it one more time - professionals and --

Mr. Hutaff: The one that says - where they decided they're going to take that out, okay, "and shall be chosen from professionals and person with special interest in the following disciplines." "Interest."

Mr. Fredericksen: "and person with special interest" --

Mr. Hutaff: Interest from the following disciplines. You know, so if you put that back in, if we say, no, don't take it out, then what it does is it does allow for people who don't have the "professional" educational backing but have the community or the cultural practitioner. That would be the special interest.

Mr. Fredericksen: Yes, Rhiannon?

Ms. Chandler: Counsel, is it a little bit -- wait. How do you feel about "and?" "And special interest?" Or does it mean your have to be professional, potentially, and have a special interest, or can you be and/or persons?

Mr. Fredericksen: And/or.

Mr. Solamillo: Just do the and/or.

Mr. Osako: I think the "and" ...(inaudible)...

Mr. Giroux: The whole discussion about it is exclusivity, right? The “or” would be your inclusive.

Ms. Chandler: Okay. So and -- maybe “and/or” though.

Mr. Giroux: English majors hate “and/or” but lawyers use it a lot.

Ms. Chandler: Okay.

Mr. Giroux: It’s opposites, but I would go with “or” if the intent is to -- to look at options, you know. I mean the idea is to be more inclusive.

Mr. Fredericksen: Yes?

Ms. Marquez: However, you know those two words “special interest?” Can we like use something more positive because in our brains, I don’t know about yours, but in mine “special interest” really is negativity, so if we can rephrase that in a more positive manner? “Special interest.” Can we change it?

Ms. Chandler: Experience. Demonstrated experience.

Mr. Fredericksen: Yeah.

Ms. Marquez: Demonstrated experience. I like.

Mr. Fredericksen: Yeah. That’s good.

Ms. Marquez: Demonstrated experience.

Mr. Fredericksen: Yeah. No, that’s -- and that’s positive. I agree, “special interest” just doesn’t --

Mr. Hutaff: Or even special experience.

Ms. Marquez: Special experience.

Mr. Fredericksen: Demonstrated experience.

Mr. Hutaff: Well, that’s what it’s really saying, “special interest,” in this particular case, you know, it is a negative word, but in this particular case, what they’re trying to say is that you’ve taken such a -- you know, it’s more than just a hobby getting this information is what they’re really trying to say. She puts it into the right words though.

Ms. Marquez: Yeah. Because, you know, "special" is used so much that nothing's special anymore. Thank you. Moving on.

Mr. Fredericksen: Okay. Okay, Stanley?

Mr. Solamillo: Okay, one question to the Commission. So we take the language out of C and insert it in B -- or, excuse me, B, and insert it in C? Or just do the add on: "and/or persons with demonstrated experience?"

Mr. Fredericksen: And you want to -- you were thinking of keeping the language in Item B?

Mr. Hutaff: Yeah, because then it kinda solves all of our problems.

Mr. Fredericksen: And it's reinforced in Item C.

Mr. Solamillo: Okay, so we keep it.

Mr. Fredericksen: Yeah.

Mr. Solamillo: Thank you.

Ms. Sarich: And then we wanna change "special interest" to "demonstrated experience."

Mr. Fredericksen: Yes. Did you get that, Stanley?

Mr. Solamillo: I'm getting it now.

Mr. Fredericksen: Okay. Thank you.

Mr. Giroux: Stanley, did you look at that section as far as seeing -- I know the whole intent is so that we can conform to the Certified Local Government, but have you looked at the Certified Local Government requirement? Is this language making us go above and beyond?

Mr. Solamillo: No, this is what has always --

Mr. Giroux: Or are we ...(inaudible)...

Mr. Solamillo: This is what has been here since we became a Certified Local Government.

Mr. Giroux: Okay, so it's parallel to --

Mr. Solamillo: It's based on the Federal reg.

Mr. Osako: Legally, what is the definition of "professional?"

Mr. Giroux: Again, we go back to the Appendix A. They have a list. Stanley, do you have Appendix A on you or -- I think that would help because when you -- you look at it, there is room for expertise, there is room for --

Mr. Solamillo: I do not have a copy of Appendix A.

Mr. Giroux: Yes ...(inaudible)...

Mr. Fredericksen: I think having the language "demonstrated experience" in there is -- that does need to be there.

Ms. Marquez: Excuse me? She has her thick black binder.

Mr. Fredericksen: Oh my gosh.

Ms. Marquez: You think it's in one of these pages?

Mr. Giroux: I'm looking for it in mine.

Ms. Marquez: Yeah. Try.

Mr. Fredericksen: Okay, let's --

Mr. Solamillo: If it pleases the Commission, I'd just like to keep going because I have some more pages and then we can come back after James finds Appendix A. Alright, under Section 2.88 -- oh, excuse me, we're going to go back to D. "Section 13-2 of the Maui County Code" -- "Maui County charter," excuse me, within brackets. It has a new title: "Revised Charter of the County of Maui (1983), as amended, shall apply to the commission," and the rest of that sentence is deleted.

Mr. Fredericksen: Okay.

Mr. Solamillo: Under E, no changes have been made.

Section 2, which "Section 2.88.060, Powers and Duties." It's been amended. Under B: "The commission shall provide public information, education, training and technical assistance relating to the," deleted "national," replaced by "federal," "state and county historic preservation programs."

C: "The commission shall initiate, accept, review and recommend to the state historic preservation officer, historic properties nominations for inclusion on the Hawaii and national registers of historic places." That's a nomenclature change.

D: "The commission shall maintain a system for the survey, inventory and nomination of historic properties and archaeological sites within the county, as well as a system of site monitoring, that is," substitution for are, "compatible with that of the state historic preservation office."

E: No changes. F: "The commission shall provide design review for projects affecting any building or structure, site or district eligible for listing on the national or Hawaii register of historic places and shall request and consider the state historic preservation officer's," this is a punctuation change, "review and comment on all county undertakings, including the granting of permits." No other change to that section.

G: There is no change. H: This has been changed somewhat. "The commission shall make recommendations to the council," contained within brackets, this is a deletion, "for the expenditure of," so it's been substituted with, "relating to the acceptance of gifts and," this is a substitution, "donations for historic properties, the historic preservation planning process, and the promotion of exhibits and other information activities." The next amendment to this section is: "The department shall transmit the commission's recommendations with a proposed resolution, pursuant to Section 3.56.030 of this code."

Under I: The insertion of the preamble, "Pursuant to section 19.42.020, of this code, the commission shall," insertion or substitution, "have the authority to administer the provisions of the historic districts established in title 19 of this code, and shall advise the mayor, the council and the county planning commissions on the establishment of historic districts and regulations thereof.

J: No change. K: Substitution of "may" for "shall." "The commission shall review and comment on archaeological reports submitted as part of development proposals to various county agencies."

Under L: "The commission shall undertake any other action or activity necessary or appropriate towards the implementation of its powers or duties or towards the implementation of the purpose of this chapter. More specifically, these may include the following: 1," substitution, "Recommend new ordinances establishing historic and archaeological districts"; "special treatment districts" has been removed. Under 2: "Review and recommend amendments to current policies and laws relating to historic sites; 3. Continually reevaluate building code requirements and recommend amendments that are more sympathetic to preservation or provide exemptions for historic properties;" 4: No

change. "5. Assist in" insertion, "and organize programs of historic preservation including presentations, films, exhibits, conferences, publications and other educational means which increase public awareness and participation in preserving the past."

End of section. Any comments?

Ms. Sarich: Section H is really confusing. I don't even understand what it says.

Mr. Solamillo: I did not write it.

Ms. Sarich: Okay. Do you understand what it says?

Mr. Solamillo: Do I understand what it says?

Ms. Sarich: Yeah. I'm trying to work it out but between the deletions and the insertions, I'm having a hard time.

Mr. Solamillo: Well, we have -- if you look at our code, the existing code, which we went over I believe earlier in the year, I think we went over it in February, at James' recommendation that we look at -- at the current, in fact these sections, because there were some issues with nomenclature as well with process, so the changes which have been made mostly refer to nomenclature, and because the code is written the way it is, it doesn't necessarily follow how we write, which is beginning, middle, and end.

Ms. Sarich: Okay.

Mr. Solamillo: Okay, so sometimes things will just be listed as another item which may not, you know, look like it should be consecutive but it does. James, can you help me, please?

Mr. Fredericksen: Just read it as it is.

Mr. Giroux: I think what H is trying to get at is that sometimes people will donate money to the County and they won't -- if they don't specify what it's for, it kinda just gets dumped into the general bank and then disappears. So what -- what happens is is that there's a section in the code that says that if people are to donate or if the County is to accept gifts, we have to do it by resolution, so what would happen is is that, basically, if it was for the purpose of historic preservation, then it would come this board for review, and then we would actually -- it would put a highlight on that money, and then it would be earmarked, and then it would be put into the fund under a special fund, and I think that's the purpose for it because I think it came up, the issue of travel, you know, okay, how do we get travel monies and yada, yada, and if people just donate money to the County, it doesn't necessarily mean that that's where it's going to go. So it's very important that the

Commission have a chance to either comment on the resolution or, you know, actually have an opportunity to make a comment on where they feel that money should go. Sometimes what happens is is that other departments would actually have a better capability of actually using that money for preservation, such as like Public Works or Planning or such, where if the money went directly to the department under a line item that said that's what it was for, you know, preserve the Lahaina county building, well that would go under one of the departments, Department of Parks probably, and if that money were to be allocated more accurately under those line items, then the actual intent of the money finds its target. So I think that's the purpose of H, and that's pure speculation from your attorney.

Mr. Fredericksen: Thank you for that ending.

Ms. Marquez: Well, comment. Well, I'm really looking at this because of what's forthcoming with later on in this meeting, and maybe it's not the time but I will say it anyway, I'm looking at this because, from what we understand and talked about in the past, that we would like to bring this Commission to Molokai. Now, of course, the County's broke, of course, and so we're being very creative and, hopefully, we'll be getting a donation. Now --

Mr. Fredericksen: And this would help that.

Ms. Marquez: This is the thing. Okay, is any donation considered a gift and that has to go through resolution and all?

Mr. Giroux: Yeah, we -- I think we researched that and there was a cap of money that if it went over --

Mr. Hutaff: Seven hundred.

Mr. Giroux: Seven hundred dollars, the Council would have to do a resolution so --

Mr. Hutaff: Well as it sits now, H, without any of the changes, this is already in place, so what we're trying to do with that donation still applies ...(inaudible)...

Mr. Fredericksen: Yeah, it just makes it so it's clear.

Ms. Marquez: I don't want us to hang ourselves before I pau.

Mr. Fredericksen: We're not gonna.

Mr. Hutaff: Can you take that one to the Mayor cause he hasn't responded to me yet.

Mr. Marquez: But, seriously, I -- okay, so maybe this will add some light. I called our Council Chair and I gave him a heads up as to what we're thinking and planning, and so I said are there any things we need to know up front, cause, you know, we're so compliant, and we are, not to be facetious. He told me, you know, cause I said what if a Commission Member donated. He said this, not in these words, but alluding to, as long as the person who's donating to the effort on the particular agenda is not that person's special interest or interest. Do you understand what I'm saying ...(inaudible)...

Mr. Fredericksen: Yeah, and that's ...(inaudible)...

Mr. Hutaff: I think we're going to talk about that later on.

Ms. Marquez: Later on.

Mr. Fredericksen: We'll move on to that one.

Ms. Sarich: I had one other comment on Item K. It says -- we're changing "may" to "shall." Does that mean we're going to review every single one?

Mr. Hutaff: Yeah. Say yes.

Ms. Sarich: Wow, that's a lot isn't it?

Mr. Hutaff: No. Say yes.

Ms. Kanuha: Say yes.

Mr. Fredericksen: Of a particular development that actually comes to the ...(inaudible)...

Mr. Hutaff: We have a history of not being informed so say yes.

Ms. Sarich: Yeah, but this isn't every like house and thing that's in the SMA. It's just developments that come before us.

Mr. Fredericksen: Stanley?

Mr. Solamillo: I didn't author these changes. This is the best example of pass the buck ...(inaudible)...

Mr. Fredericksen: This -- I mean my read of it is this gives the Commission more of a say in projects where there is, let's say, archaeological work that was required. This may versus shall. "May" is like maybe being that it might be of interest.

Ms. Sarich: I guess I just was confused if we were going to review every single archeological report that came to the County for building permits.

Mr. Fredericksen: Most building permits don't have archaeological --

Ms. Sarich: Oh, I guess I've been lucky enough to work on all projects that have them.

Mr. Fredericksen: It happens if it's in the SMA.

Ms. Sarich: Okay.

Mr. Hutaff: Yeah, we absolutely want the word "shall" in there because the problem is is that by the time something comes to us, it's after the fact.

Ms. Sarich: Okay. Got it.

Mr. Hutaff: And it's done. We wanna be there before -- before developers spends a couple million dollars, everybody gets in the middle of it, and digs everything up and goes, oops. So that's why we want "shall."

Mr. Fredericksen: Okay, let's try to --

Mr. Solamillo: Erin?

Mr. Fredericksen: Oh, yes, Bruce?

Mr. U`u: Isn't it required or isn't it going to be required with the General Plan that you must do one -- some type of study on any structure, building, or renovation? Is it in the works?

Mr. Fredericksen: Stanley?

Mr. U`u: So are we setting ourselves up?

Mr. Hutaff: Yeah, we're not part of that so --

Mr. Fredericksen: I don't -- the General Plan, I'm not familiar with where it's at at this point. I do know that if the building is over a certain age and it needs to be demolished, that there's a process it goes through through the State Historic Preservation Division. If it's a building that's eligible for the National Register, then, I think, then it falls into a different category where we would be looking at it more -- more closely.

Mr. Solamillo: We have State law, we have Federal law, and we have local ordinances. Okay, so Chapter 343, Chapter 6E, Hawaii Revised Statutes. We have to follow those. And the building is every building over 50 years of age. And for cultural resources and archaeological resources, that's covered under State law. Whether the General Plan is going to go into that depth, I can't really answer that.

Mr. Fredericksen: Any other comments? Warren?

Mr. Osako: Looking at Section L, No. 3, at the end, it says, "provide exemptions for historic properties." In the *Honolulu Star Advertiser*, on Monday, they quoted where historic properties on Oahu are mostly homes are granted tax exemptions but they do not maintain the property, so a lot of the properties are deteriorating but the people are getting tax exemptions, and I think that we should not fall into that hole in Maui County. If you give somebody an exemption for a historic property, then they should maintain it.

Mr. Fredericksen: Good point.

Mr. Hutaff: With that, I'd like to leave the word "enact" rather than "recommend," because then it'll give the power for us to say you have to maintain it or you can't get the historical tax break. Say that if we continually reevaluate building code requirements and what they want is recommend, which it's just a recommendation. If we can leave that word "enact," okay, then that gives more power than recommend.

Mr. Fredericksen: That's a Corp. Counsel ...(inaudible)...

Mr. Solamillo: That's a Corporation Counsel issue.

Ms. Erin Wade: I can respond to that.

Mr. Fredericksen: Erin?

Ms. Wade: Sure. The CRC actually doesn't have the authority to amend the code, so even though it says "enact" now, they would still require you to go to the County Council for an amendment to any portion of the code.

Mr. Fredericksen: And, hence, "recommend."

Ms. Wade: So "recommend" is actually -- is actually what's occurring now and would have to continue, so it just makes it more accurate.

Mr. Hutaff: I was hoping with the Corporate Counsel out of the room, we could get away with that one.

Ms. Wade: That's why he stopped by before he left.

Mr. Hutaff: Yeah.

Ms. Wade: Can I backup, just briefly, to K, where that was mentioned? "The commission shall review and comment on archaeological reports," and that's very broad, meaning there doesn't have to be any finding of any kind. You would get every archaeological report at this point. So then, "submitted as part of development proposals," a development might be even the erection of a stage as part of a special event, you know. It can be something as manini as that in terms of development. So just letting you know that this is extremely broadly worded and if that's the intention, that's okay, but it would certainly put a whole lot more items on your agenda every month.

Mr. Hutaff: But it would also keep us from having lengthy conversations on one agenda like we've had before like with Maui Lani. If they'd come beforehand, we probably wouldn't have had a very long unhappy ending either. So I kinda think "shall" is still a good idea at this point and we can always go back and go --

Mr. Fredericksen: And, Stanley, before you -- I'm assuming some of these would be administratively looked at and if it was just a proposed -- something that wasn't going to fly, that would be filtered out at the Commission's purview?

Mr. Solamillo: I'm not a bragger. I don't like people who brag. I don't like people who complain.

Mr. Hutaff: I'm sorry, huh?

Mr. Solamillo: But I'm going to do both right now, and I'm going to tell you that, right now, you know, I've been - what? We've been together in various forms with various persons on this Commission since at least 2005, okay, and I typically add in - what - 10, 20 hours a week? That's just doing what we have now. It's not physically possible for one guy like me, who's getting old, to - and getting senile - to actually deal with, you know, the massive things that SHPD deals with, and that's getting into the realm of archaeology. I mean, seriously. And so I would caution the -- any wording which would tend to expand the workload of yours truly just because it's not physically possible.

Mr. Fredericksen: Bruce?

Mr. U`u: When I heard about Maui Lani, and I was on the commission at that time, and I recommended that it come before the CRC. It was my motion. Maybe if you can get some type of a relationship like that -- I have no idea to look at -- you know, because when I was reading it, I seen nothing from a County agency that gave a recommendation that was

recommended to the Planning Commission. So we went back. We punt, pass, and kick, back to the CRC. I think -- I don't know if you guys went on the field, but we did, the Planning Commission, so we can have a perspective on and insight on your guys' professional background, and it was helpful for us. So I don't know if we can get that relationship somehow where they can kick it back as part of a condition - just to throw it out there.

Mr. Fredericksen: Rhiannon?

Ms. Chandler: In reference to your statement, Erin, about how much more work this could potentially bring to the Commission, in your estimation, about how many items do you anticipate would be up for review each meeting according to this correction?

Ms. Wade: Well, this is difficult to assess, basically, because the SHPD rules are changing simultaneously, so the amount of archaeological reports that are coming now may be small but it seems to me, because now SHPD is expanding their review, there are going to be a lot more. So while that hasn't quite caught up in terms of our workload yet, I expect that it will shortly.

Ms. Chandler: Is it possible to insert something about projects of a certain size rather than -- I mean and I'm not even sure I would agree with that because, you know, small projects can have the same thing, but do -- we also don't want to do double work so if SHPD is covering this, Stanley --

Mr. Solamillo: I'm not representing SHPD but --

Ms. Chandler: Hinano is here.

Mr. Solamillo: Hinano is.

Mr. Fredericksen: No, he's not here. Oh, he is here. He was hiding behind the pillar. Hinano?

Mr. Hinano Rodrigues: I thought if I sat at the back of the room, nobody would notice.

Mr. Fredericksen: Okay, Hinano, you gotta say your name.

Mr. Rodrigues: Hinano Rodrigues, State Historic Preservation Division. It is true. My fear is, and I just heard the language this morning, the language used was "archaeological reports?" Well, an archaeological report can be an archaeological inventory survey, and it's subsequent report, a preservation plan, and subsequent to that, an archaeological monitoring plan, and subsequent to that, an archaeological monitoring report. So, basically,

one project can have these four reports. We, at SHPD, take work home to read so -- and we work everyday. For you guys, I can't see how you can meet once a month and review all these reports.

Ms. Chandler: Chair? Thank you, Hinano, so much. Bruce, I really like your idea about maybe having some kind of process that we have recommendations from the Planning Commission or from SHPD and those items be referred to the CRC as they are --

Mr. Fredericksen: It happens I think ...(inaudible)...

Ms. Chandler: Yeah, because I don't think we can "shall" this.

Mr. Fredericksen: Ray?

Mr. Rodrigues: What I would recommend, my personal recommendation is that what you could possibly do, and I think I heard it from Rhiannon, is set up a criteria as to the kind of reports that you would want come across your desk, things such as - I'm not going to use the name of the development, but in areas where there's a high concentration of human skeletal remains or in areas where there is a high concentration of human skeletal remains, or in areas where there is a high concentration of known or documented archaeological sites.

Ms. Marquez: Sounds good, however, love that word "however," I don't think it's quantity; saying, oh, there's more that's -- what's down here and maybe less here. I think any amount or any single item found is of importance. So how do you discern or, you know, figure out which is more important because of quantity and not quality?

Mr. Rodrigues: And I agree with you.

Ms. Marquez; Thank you.

Mr. Rodrigues: As a kanaka maoli I agree with you one hundred percent. In the old days, when you looked at archaeology, and I'm talking about '60s - early '70s, nothing was significant unless there was a heiau. We have changed, dramatically changed that approach. Everything is significant. Cause while we might think as insignificant, the ohana living on that property sees it as very significant. However, there are situations, especially on this island, where we know we are going to run into human skeletal remains, and so maybe in those instances, we could flag that ahupua`a or that `ili or that moku. And good point. Everything is significant.

Mr. Hutaff: Okay, this is kinda back to Stan but could you like hang in there because the question might actually apply to you too? We know that there have been problems

because we didn't get information in advance, okay. And so if "shall" is not a possibility because of the amount of things, the end result would end up being the same. We wouldn't get the information cause some things have time limits, so they feed them a whole bunch of reports, and they can't get to it, and, therefore, it just passes us by. So the idea, I believe, that I'm trying to fit with is, initially, well some time ago, that we wanted to have pre-information. Information in advance before things came about. How would you -- "may" means we don't have to; "shall" means we have to. Again, going back to that concept where we got information too late; nobody walked away happy. How would you word that, or how can we still do that without being overburdened cause we're looking for the end result? If there's not enough time in a day to do this stuff, then we can't have a rule that says we have to because then we won't do it. Right? So it's a useless rule. "Shall," in this particular case, might not work, but how would you -- should we just leave it as "may" and then make an amended version someplace else that says certain things have to come to us first? How do we accomplish that?

Mr. Solamillo: I think you would do it as a process issue or procedural issue between -- as a Commission, which is administered by the Planning Department, you need to know at what stage, when they're doing an environmental assessment, for instance, that you get the project then, not when we're down to, you know, approving, you know, production drawings. I mean it's -- but you have to specify to get it earlier, that would be appropriate. Size, I think, is -- is something to consider. In my attempts to learn more about the Hawaiian culture, everything --

Mr. Hutaff: Is related.

Mr. Solamillo: You know, is related, is important whether, you know, I'm down in Waihee Valley or I'm going to West Maui, it's -- and we still have issues with, you know, new developments on the tops of pu`u and all of this, which continues, and we've talked about that at length. I think I would keep "may," or "may have the authority to review," you know, but it's something that's going to have to be worked out within the Planning Department and probably Erin Wade might have some suggestions, but I think you need to get it earlier in the process as opposed to later, and the only way to do that is work that language in.

Mr. Hutaff: Can I have him answer that question; the same question?

Mr. Rodrigues: Briefly, what was the question? Okay, how do you change it?

Mr. Hutaff: Well, I believe, this is for me anyway, I didn't have anything to do with this, but the "shall" really excited me because it meant that we had to have stuff come in early, okay, and we've talked about this before within our things -- we got things too late, okay. Now, obviously, if "shall" means that we're going to have, you know, 15 hours of paperwork just for us to go over, okay, once a month, or 25 hours, we're not going to get to it, which

means it's moot, okay. So if you were to come up with a solution on how we can get things more in advance, which is what we originally wanted to do on other projects, is there -- should we just like ignore this and have it come up as a separate amendment? Or should we try to leave "may" and add a few words to it from there?

Mr. Rodrigues: I'm about to make enemies of my friends in the County, but what could possibly happen is that, okay, SHPD's involvement has to be triggered. Under 6E, it must be triggered. And the trigger is the permit process, and we rely on the County to do that. So they send over the permits when that trigger occurs. It could be the same trigger for you guys that before they send over stuff, not before, concurrently they send you guys a Excel spreadsheet, we sent this over to SHPD on 9-27, and this what SHPD is going to reviewing. Nevertheless, although 6E does say that they're supposed to do that, they haven't been doing that. The law makes it clear. Anything having to do with permits, anything having to do with entitlements shall be sent to SHPD for comment. That has not been happening, and I can understand why. It's an impossible task. You don't have the staff. It cannot happen. We review, SHPD reviews about 3-to-4,000 permits a year. That's just the permits. That's not the archaeological reports.

Mr. Fredericksen: Bruce?

Mr. U'u: Question, Hinano. So the permits and the actual reports, what is -- what would be the norm? Say you got 300 permits, what would be the norm with the reports? Just throwing that out.

Mr. Rodrigues: It's -- the permits, the building permits go to the County, the County sends it over us and say what do you guys have to say about this? It's at that point that we say, oh, do an archaeological inventory survey, so that permit is set to the side; now we gotta wait for them, for the applicant to go hire an archaeologist to do an archaeological inventory survey. So not every permit will result in our request to do an archaeological inventory survey for mainly two reasons: one is there might be one already existing, yeah, it's just a TMK within a larger part of a development that may have already been inventories survey, or we might think that the chances of finding something there is really small.

Mr. U'u: And I bring that up because on the Planning Commission, we get SMA major, SMA minor so -- and we couldn't keep up with every SMA, just the majors, so what we did on the SMA minor, we had a separate sheet that would state, briefly, what the minors were about, and then we'll go over the minors and kinda red flag it on our own at the end of the day. I don't know if that's open or it's doable. So you would have a brief description of the potential of what's happening and if anybody had comment, you could, hey, you know --

Mr. Fredericksen: Then you'd look at ...(inaudible)...

Mr. U`u: You look at it. Everybody would have one. I don't know if that works or, you know --

Mr. Hutaff: I think it's something for future discussion. Right now, I'm going to take back what I said. Yes, you want it. No, you don't want. Thank you, Brandis. Okay, I just blown out of the water. I think "may" is probably a better idea so that at least someone can be subjective and find it. And thanks to Stan and, you know, the other guy.

Mr. Solamillo: Hinano Rodrigues.

Mr. Hutaff: I know ...(inaudible)...

Ms. Chandler: Chair?

Mr. Fredericksen: Yeah?

Ms. Chandler: I'm sorry, one last question. Is there any way that we can make -- strengthen this statement though to say that, like Hinano suggested, in areas of high concentration of archaeological findings or cultural sites or human remains, skeletal remains, just so that we can say we at least tried to get notified ahead of time?

Mr. Fredericksen: Stanley, could we --

Mr. Solamillo: You can do anything you want.

Mr. Fredericksen: Would it be too onerous to have a -- like instead of a sheet of demolition permit administrative actions, a sheet that, like what Hinano mentioned or suggested, these are the whatever, things that have been sent over to SHPD?

Mr. Solamillo: I will have to talk it over with Clayton and see about getting that.

Mr. Fredericksen: And then going back to Rhiannon's comments, and some of the other Commission Members too, of course, for the language for these two, "shall" versus "may," I mean if we keep "may" in there, any suggestions on language that would make it so it's stronger than, you know, it's not like a coin toss or something? Not taking -- I mean taking "shall" out but putting "may" --

Mr. Solamillo: The way I wanted to handle it was just say, "shall have the authority to review."

Mr. Fredericksen: "Shall have the authority to review." Okay.

Mr. Solamillo: Yeah. I mean that means you can pick and choose.

Mr. Fredericksen: Okay. That's -- okay, I like that.

Mr. Solamillo: Because it's not like getting a truck at the end of the month.

Mr. Hutaff: Well, I guess my question is --

Ms. Chandler: Can we say, "and shall be notified of all projects in areas where there are existing human skeletal remains," or something like that cause that's really the issue?

Mr. Fredericksen: Yeah.

Ms. Chandler: It's the cultural sites and the areas where there's some like no-brainer areas where it should have come to the CRC and it didn't and how are we going to protect that.

Ms. Brandis: And this amendment only applies to the Historic Districts, right?

Mr. Solamillo: No.

Ms. Brandis: Oh, okay.

Ms. Chandler: It's all.

Mr. Solamillo: Islandwide.

Ms. Chandler: Yeah. Erin?

Ms. Wade: Yeah, thank you for the opportunity. I really like the comments that Hinano offered. You know, I thought the recommendation of define ahupua`a would be really helpful, specifically as a planner who receives applications and I have to make a determination: Who do I route this to for review and comment? It would be really good to know, you know, if, especially with your expertise, if there was an area that you felt, absolutely, we wanna see it, whatever comes in the door, you know, if it's in this location, we want to see it, you know, that would be great for me to know because it might not be something that I have the knowledge of, so if there was -- if you wanted to identify a particular ahupua`a. I really appreciated the "known to have exceptional archaeological sites or important archaeological sites, the concentration of human skeletal remains." And then, finally, you know, this is the purpose of the Cultural Resource Management Plan is to identify particular locations that the CRC would have interest in. So this kind of goes back to the conversation we had six months ago of the update of the Cultural Resource Management Plan; that can be your tool to say if any properties that are affected on the

maps or referred to in the Cultural Resource Management Plan, though all of those will be sent to the CRC and that can be --

Mr. Fredericksen: Now, do you -- where is that at this point? Has it been finalized?

Mr. Solamillo: No, I'm still working on it.

Mr. Fredericksen: When --

Mr. Solamillo: That should be -- I'm shooting for the end of December.

Mr. Fredericksen: Okay. So that could -- that could be the -- I mean it sounds like a very logical framework from which to work on this. How about inserting some language in there that includes that, the forthcoming cultural - what is it?

Mr. Solamillo: It's the Cultural Resource Management Plan.

Mr. Fredericksen: Management Plan.

Mr. Solamillo: Or the CRMP update.

Mr. Fredericksen: Okay.

Mr. Solamillo: It was last done in 1984. We're doing it in 2010.

Mr. Fredericksen: So the forthcoming CRMP.

Mr. Solamillo: It wouldn't be forthcoming. You can say that it would have -- "as identified by the Cultural Resource Management Plan, or other areas as identified." You wanna do that?

Ms. Wade: You do have something in place now, if I may. I mean the Cultural Resource Management Plan was not rescinded, you know, at this point.

Mr. Fredericksen: Right.

Ms. Wade: It exists today, so it's at least a point to begin. And, likely, with this ordinance revisions moving forward, you're going to have your amended or updated management plan simultaneously. So if they could, it could kinda be a one-two punch for you.

Mr. Fredericksen: How about so the Commission may review -- or, no, "shall have the authority to review and comment on archaeological reports submitted as part of

development proposals to various county agencies for projects located in areas as identified by the CRMP,” or some such wording.

Mr. Solamillo: I’ve got it, “areas of high concentration of archaeological sites, skeletal remains, or as identified in the CRMP.”

Mr. Fredericksen: Okay.

Ms. Chandler: I like that.

Mr. Fredericksen: That’s better. Thank you, Stanley.

Mr. Solamillo: Okay, any other comments?

Mr. Fredericksen: Okay, we happy with that? I think -- and that’s good. Then that prevents us from being barely used, so we have a screen that’s based on, you know, recently acquired information.

Ms. Marquez: So we are going to use “shall” and not “may?”

Mr. Fredericksen: “Shall have the authority.”

Ms. Marquez: “Shall.”

Mr. Solamillo: “Shall have the authority.”

Ms. Marquez: Right. Right.

Mr. Fredericksen: So that’s also a filter because it doesn’t mean every single one shall have - it’s a step up from “may.”

Ms. Marquez: Thank you.

Mr. Solamillo: Okay, Section 4. Section 19.04.040 of the Maui County Code, these are definitions. “Cultural resources commission” means the Maui County cultural resources commission.” “Director means the director of the department of public works or the director’s authorized representative.” “View plane means open space and significant vistas, particularly toward the ocean.” Any comments on Section 4?

Mr. Fredericksen: Warren?

Mr. Osako: I like the definition of “view plane.”

Mr. Fredericksen: Yeah, that's a good word.

Mr. Osako: "Open space and significant vistas, particularly toward the ocean," because this becomes very important for Lana`i with the proposed wind farm, also -- also maybe for Molokai with the proposed wind farm there, and that is not even taking into consideration the archaeological sites, etcetera.

Mr. Fredericksen: Thank you. Good comment, Warren.

Mr. Solamillo: Can I suggest an amendment?

Mr. Fredericksen: Yeah, let's hear it, Stanley.

Mr. Solamillo: "Vistas, particularly toward the ocean," it actually works two ways especially if we viewed things traditionally in, you know, in the ahupua`a where you view makai to mauka and vice-versa, so can we do it as bi-directional because you don't want -- it can work --

Mr. Fredericksen: Yeah.

Mr. Solamillo: Both ways. That's -- in fact, when we look at the NHL --

Mr. Fredericksen: Yes.

Mr. Solamillo: When we actually read the language from the original documents, it was talking about use of --

Mr. Fredericksen: Looking towards --

Mr. Solamillo: Lahaina from the ocean looking towards the mountains and vice-versa.

Ms. Marquez: Question.

Mr. Fredericksen: Yes, Veronica?

Ms. Marquez: Is there a significance where there are like a double pair of quotes as oppose to a single pair of quotes? Could it be a County code or something? I'm not being facetious. See the word "cultural" and they have "cultural?" I mean I only learned that when you do quotes, there's a pair here and pair there, however, Maui I guess is different. You have a pair-pair and then a pair. Is there a significance for that?

Mr. Solamillo: Usually I do -- if I do one quotes where you have a double, then you go to single inside. You don't ever do double-double. So maybe it's just a typo.

Ms. Marquez: I'm sorry. What did you just say, and can you use English? Translate that into English for me.

Mr. Solamillo: Okay, the quotation marks, which is shown as two apostrophes, for lack of a better item, when you do a quote within a quote, which is this is trying to do, then the next quote would be a single as oppose to having a quote-quote. So I would do two with one inside, okay, and the one inside refers to the quote within the larger quote. Cause I know you know ...(inaudible)...

Ms. Marquez: Okay, I'm just trying to process my brain.

Mr. Solamillo: You're a teacher. You know this.

Ms. Marquez: Retired, not retarded.

Mr. Hutaff: That's the part of English I failed - quotes.

Ms. Kanuha: I have a question.

Mr. Solamillo: So it may be just a typo.

Ms. Marquez: I think it's just a typo. But anyway, what I really wanted to say is look at the first thing, "Cultural resources commission" means the Maui County cultural resources -- so they wanna add in "the Maui County."

Mr. Hutaff: Definition.

Ms. Marquez: Isn't this whole thing Maui County?

Mr. Hutaff: It's a definition.

Mr. Solamillo: This under definition.

Ms. Marquez: Isn't that all determined, like you said in the earlier one, in the document that introduces this?

Mr. Solamillo: I thought it might but this -- this actual section is lifted out of sequence because -- no, I guess we're okay. No, the one before, it was 040, this is -- no, this 040; the one before it was 020. I don't have the full page so I can't comment.

Ms. Marquez: So your comment is?

Mr. Solamillo: So I can't comment on why we're having definitions this late within this section of the code.

Mr. Hutaff: Yeah, I think it's not that important for us to worry about.

Mr. Fredericksen: Yeah, at this point, let's concentrate on trying to wade through this --

Mr. Hutaff: We can argue it outside the parking lot.

Mr. Marquez: Thank you so much for that.

Mr. Solamillo: I'm sorry. Okay, any other comments? Going once --

Ms. Kanuha: I just had one question.

Mr. Solamillo: Okay.

Ms. Kanuha: "Cultural resources commission." Can you define "cultural?"

Mr. Solamillo: Oh, I cannot do that.

Ms. Kanuha: Okay.

Mr. Solamillo: You can.

Ms. Kanuha: Oh, I can. I can define "cultural."

Mr. Solamillo: Yeah, you can.

Mr. Hutaff: Actually, I went to go look it up.

Ms. Kanuha: But I need to know what is the definition for "cultural."

Mr. Hutaff: I went to go look up what "cultural" is, okay, and the first statement that it says, "It's the most unintended mis-informational word there." Then it gives to try to define it. Next time I'll bring it. It's actually ...(inaudible)... Halloween ...(inaudible)...

Ms. Marquez: Did you Google that?

Mr. Hutaff: Yes - what is culture? Very difficult.

Mr. Fredericksen: Stanley?

Mr. Solamillo: It would take a whole meeting.

Mr. Fredericksen: Yes, or a series of meetings.

Ms. Kanuha: Thank you.

Ms. Sarich: Did we change language to -- "from the ocean" also for view corridors?

Mr. Solamillo: Do you want that? Do want the change made?

Ms. Sarich: Yeah.

Mr. Fredericksen: "View plane," "particularly--"

Ms. Sarich: Because I mean that's incredible are outside of Lahaina on the ocean looking back up there, or anywhere around the island.

Mr. Hutaff: Yeah, I like that too.

Mr. Solamillo: You wanna do it from the mountains to the sea, mauka-maikai, what? Tell me.

Mr. Hutaff: Let's use some Hawaiian words. Seriously. Mauka-makai. Makai-mauka.

Mr. Fredericksen: How about, "but also towards the mountains," or something like that.

Mr. Solamillo: How about strike "particularly" and go "toward the ocean as well as the mountain?" Mountains - plural.

Mr. Fredericksen: I don't know about striking "particularly."

Mr. Solamillo: Okay. Well then we'll do "particularly toward the ocean and the mountains."

Ms. Marquez: So you're taking into consideration this essence of ahupua`a?

Mr. Solamillo: Yes.

Ms. Marquez: So how can we use ahupua`a in this sentence?

Mr. Solamillo: Ask Mr. Giroux because he would have to tell us whether we have to do a whole new deal to the definitions or a whole new addition. If we begin to use the indigenous terminology, what does it do to the code?

Ms. Kanuha: Ahupua`a.

Mr. Solamillo: Can we just -- can we just like put it in our definitions or does it have to go -- and amend the section of the actual Maui County Code that is called "Definitions?"

Mr. Hutaff: It's actually in the State and County already.

Mr. Giroux: The extent -- what we're doing is we're commenting on the proposed ordinance so I think the comment would be that would you please include in your definition, you know, a mountain to ocean concept within that definition.

Ms. Marquez: Nice.

Mr. Giroux: And then that would be your comment to the Council. So they could wordsmith or they could look at other sections that they would need to change at the same time.

Ms. Marquez: Thank you. That's good. Very good.

Mr. Fredericksen: Got that, Stanley?

Mr. Solamillo: That's why he's Corporation Counsel.

Mr. Hutaff: That's one good thing all year.

Mr. Osako: I have a comment about that because the island of Lana`i is unique in that a couple of the ahupua`a stretch from one side of the island, over the mountain, and down to the other side.

Ms. Marquez: But it's still from the mountain to the sea. Yeah, Warren, it's still the essence from the mountain to the sea? It doesn't matter which side. But in your island you say --

Mr. Osako: But it, yeah, but it goes completely over, you know, from one side to the other. The traditional ones are more in the pie shape, but Lana`i, because of the resources are very limited, they had to do different things.

Ms. Marquez: Interesting.

Mr. Solamillo: Okay, Section 5. Section 19.48.020, under Establishment or modification of districts, "Historic districts may be modified or extended and new historic districts established, provided in all such cases there shall be a report from the cultural resources," that's an insertion, "commission to the state department of land and natural resources, state historic preservation division," that is an insertion, "and at least one public hearing shall be held by the cultural resources commission."

Mr. Fredericksen: Looks good.

Mr. Solamillo: Section 6, 19.48.040, under Administration, this is a nomenclature change, "The planning director shall provide planning, architectural, engineering, secretarial and other services as may be required by the cultural resources commission." Nomenclature change only.

Section 7, this is a deletion, "It shall be the duty of the department of public works, through its director of public works, to enforce the provisions of this article." That is deleted or repealed.

Under Section 8, 19.48.060, Violation--Penalty, this is a deletion. "Any person, firm, or corporation violating the provisions of this article, whether in connection therewith a penalty is referred to or not, for which violation no penalty is specifically prescribed, shall be fined in a sum not exceeding \$500."

Okay, any comments?

Mr. Hutaff: Question. They're taking away the power to penalize by a County agency? In other words, there's no enforcement for any of this, is that what it appears?

Mr. Fredericksen: Corp. Counsel, or Stanley?

Mr. Solamillo: I did not author this bill.

Mr. Fredericksen: Can you answer that, please?

Mr. Giroux: Yeah, I don't think Stanley wrote this.

Mr. Solamillo: Thousand dollars a day maybe.

Mr. Giroux: My assumption, at this point, would have to be that Title 19 would be enforceable under -- there's an enforcement section under Title 19, so it would be enforced like a zoning code. That enforcement is not done by Public Works.

Mr. Solamillo: Correct.

Mr. Giroux: It's done by Planning. So this is probably a cleanup in order to make it conform with all of chapter -- or Title 19, and so, basically, if somebody violated this section, they would get a notice of violation from the zoning and enforcement department, not from the Public Works. And this is how it was done in the old days, before the charter amendment. So again, we're trying to modernize this code, we're trying to bring it into conformance, so there's a lot of this stuff in there.

Mr. Hutaff: My fear is that we're taking stuff out that doesn't -- is not replaced or doesn't have a replacement.

Mr. Giroux: Yeah, and that could be a comment that if this section were taken out, that there's assurance that it would be -- that this chapter would still be enforceable by the County.

Mr. Fredericksen: Stanley, did you put that comment in? Got it?

Ms. Kanuha: ...(inaudible)... working hard today.

Mr. Solamillo: No, I didn't. I decline authorship. Okay, I will ask the question: Is this enforceable by any other --

Mr. Giroux: Section of Title 19.

Mr. Solamillo: Section of Title 19? Thank you. Okay, Section 9, under 19.52.010, Architectural style, this is an amendment in the language, "The exterior of all new buildings constructed within a historic district must be in keeping with the architectural style of the district so as not to impair the value or the view plane of other buildings," insertion, "view plane," insertion, "structures, or parks in the immediate vicinity in order that the general character of the district shall not be injured. B. For historic district no. 1 and historic district no. 2, the styles of architecture are defined as follows: 1. Native Hawaiian; 2. 19th century New England; 3. Monterey; 4. For single-family dwellings, any architectural style prevalent during the 19th century in Lahaina or which evolved from 1900 to the present in Lahaina." I have some comments.

Ms. Sarich: I have a comment also.

Mr. Solamillo: "Monterey," if you are Spanish speaking, we only have two buildings in Lahaina that can be even construed as being of that style. One is the Baldwin House, and the other is the Seaman's Library. All the other buildings are what we would call "plantation vernacular." Plantation vernacular includes two-story buildings with projecting porches or

lanais. I would recommend that we use "plantation vernacular," or if we don't substitute it for "Monterey," then we add another category or definition for it and define "plantation vernacular" because it's virtually everything that gets built after 1900 --

Mr. Fredericksen: Yeah.

Mr. Solamillo: And cranks up probably 1890.

Mr. Fredericksen: So that would be an item 4 and then 5?

Mr. Solamillo: We could do it as a "5" if you'd like.

Mr. Fredericksen: ...(inaudible)... single-family.

Mr. Solamillo: The other change I wanted to do, for single-family dwellings, I wanted to insert "and commercial buildings."

Mr. Fredericksen: Okay.

Mr. Solamillo: Because, remember, now, if we use the 50-year rule, that's going to include early modern, so we're going to be saving all those walk-up, you know, hotels and things that started off in Lahaina. We got a couple of them left. A couple five-story apartment blocks, which were built perpendicular to the ocean. That's part of that whole period, early '60s tourism development.

And the other change was under 3, instead of "iron roof awning," we don't use iron roof anymore, it's corrugated metal. Instead of corrugated iron, so it would be "corrugated metal."

Okay, Commissioner Sarich?

Ms. Sarich: I wondered if there could be some kind of language in there about following the Department of Interior Standards about integrating new structures into historic districts?

Mr. Solamillo: What would you have -- what would you recommend?

Ms. Sarich: Well, I mean I know -- I know that when I was working on a project on Front Street, I went and used those as a guideline to be able to integrate and I thought they were really well laid out as far as looking at masking and looking at materials, and I know we have -- it's somewhat laid out in the Lahaina thing, guidelines, but do you know what I'm talking about? The document that I'm talking about?

Mr. Solamillo: No, you'd have to cite it for me.

Ms. Sarich: Okay, but it's a clearly laid out set of steps that they want you to look at before you propose a design for a historic district.

Mr. Solamillo: Okay. So it's referring to in-fill?

Ms. Sarich: Yes.

Mr. Solamillo: Where would you like it placed in the section?

Ms. Sarich: Where we're talking about in keeping with the architectural style of the district because, personally, I don't agree with copying historic styles but I think that we should integrate into those districts.

Mr. Solamillo: Comments, Commissioners?

Ms. Chandler: I'm sorry. Maybe if you could clarify that - you don't agree with copying historic styles, so you don't believe that the in the historic districts, buildings should be maintained according to the -- like as a replica of how they were built?

Ms. Sarich: Oh, I don't have a problem with restoring buildings, but if you're going to build a new building, I think it's important that you can walk around a historic town and know what the historic structures are versus the new structures, but the new structures should not take away from the historic structures, and that's what this document is trying to help people do is figure out how to make sure that the historic buildings are what's emphasized in the district and not the new structures.

Ms. Chandler: Okay, I understand now.

Mr. Solamillo: Okay, this also could take a meeting, and I'm glad you brought it up because this is another one of my pet peeves, we have some really incredible buildings in Lahaina. They were built in the 1920s and the 1930s, but they've been whale-afied. By being whale-afied, that means that you make them look like they were built in the 19th century and you make them into something that they never were, okay? And that is not following any kind of guidelines. When the district began in the '60s, you know, it was supported by American Factors and as a tourist destination for the Kaanapali resort development, and it is good because they did that, otherwise, Lahaina would be gone. But you always got this kind of tug-of-war with folks that have acquired properties and wanted to carry out the theme because, remember, as it was originally codified, Historic District No. 1 contained historic buildings, remember? Historic District No. 2 does not contain any historic buildings and, therefore, that set up the whole theme development that really has, you know, for some --

for a lot of cases, actually, really done a detriment to the district. So we have to -- I think it's being authentic and doing real history and how do we do that? So for in-fill, I think I'll kinda do a generic statement that refers to authenticity and also refers to in-fill development. Any other comments?

Ms. Marquez: Stanley?

Mr. Solamillo: Yes?

Ms. Marquez: Help me understand. Now, when we're doing all these buildings and construction, they're really are concerned about the outside of building, not necessarily the inside of the building?

Mr. Solamillo: Unless the inside is especially significant.

Ms. Marquez: Okay.

Mr. Solamillo: Okay, but, normally, no. It's just what is visible from the public right-of-way.

Ms. Marquez: Okay. Thank you.

Mr. Fredericksen: Any other comments? Okay, the audience is going to have to wait for now. Stanley?

Mr. Solamillo: Alright, the next change is Section 10, 19.52.020, Review of Plans. Under A., "Within an historic district established in this article, the," nomenclature change, "cultural resources commission shall have the power to approval all plans," and this is deleted, "and the superintendent of building inspection of the county shall not issue a building permit until a certificate of approval has been issued by the historic commission." That is the old language. This is old process.

Under B., insertion, "Application for an appropriate permit to construct, alter, repair, move or demolish any structure, or modification of existing structures and appurtenances thereto," that is an insertion, "in the historic districts shall be made to the," this is a deletion and change from "superintendent of building inspection," to "director." The next sentence, "The director shall immediately notify the chair of the cultural resources commission," that was a nomenclature change, "of the receipt of the application and shall transmit it together with accompanying plans and other information to the cultural resources commission."

Under C., "The cultural resources commission shall meet within," insertion, "sixty days after notification by the director of the filing of the application, unless otherwise mutually agreed

upon by the applicant and cultural resources commission, and shall review the plans according to procedures as set forth in this article.”

“D. The cultural resources commission shall approve or disapprove such plans and, if approved, shall issue a,” substitution, “letter of approval signed by the chair of the cultural resources commission and attached to the application for a building permit, and immediately transmit it to the director,” that is also a nomenclature change from “superintendent.”

“E. If the cultural resources commission disapproves such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor,” it should be “thereof?” “in writing to the council, the director and the applicant. The cultural resources commission may advise the applicant what it thinks is proper if it disapproves the plans submitted. The applicant may make modifications to the plans and shall have the right to resubmit the application at any time after so doing.”

Under F., “The failure of the cultural resources commission,” again a nomenclature insert, “to approve or disapprove such plans within ninety days from the date of application for the building permit, unless otherwise mutually agreed upon by the applicant and the cultural resources commission, shall be deemed to constitute approval and the director,” nomenclature change from “superintendent,” “shall proceed to process the application without regard to a letter of approval.”

“G. Within any,” this is new, “Within any historic district established in this article, the director shall not approve a building permit application unless: 1. A letter of approval has been issued by the cultural resources commission or the plans have been deemed approved pursuant to subsection 19.52.020(F); and 2. For premises that are within both historic district boundaries and special management areas, all the provisions relating to special management areas have been met.”

That concludes that section. Any comments, Commissioners?

Mr. Hutaff: Yes. Can I, Chair?

Mr. Fredericksen: Go ahead.

Mr. Hutaff: Okay. Right under the heading, “Review of plans,” it says, “Within any historic district established in this article, the cultural resources commission shall have the power to approval all plans.” Shouldn’t that say “approve or disapprove of all plans,” as it does down in F, I believe? Basically, it says we only have the right to -- oh ...(inaudible)... at the council, yeah? Cause Stan didn’t write it.

Mr. Fredericksen: What was the number again, Ray?

Mr. Hutaff: Right under the 19.52.020, Review of plans. If you go where they start to delete the section there, okay, just -- there's the "approve all plans," it doesn't say -- it says, "shall have the power to approve all plans." Or disapprove, shouldn't it?

Mr. Giroux: Yeah, this issue has come up before. Does that mean you have to approve them? Yeah, that language, it's pretty common, and the understanding is that if you're reviewing it for approval, that means you have the power to disapprove as long as there's a criteria for understanding why you would disapprove something. So, yeah, it's written in the positive to approve but it's the understanding is that it's to review, approve or disapprove, as long as you disapprove them with --

Mr. Fredericksen: A reason ...(inaudible)...

Mr. Giroux: Yeah, an instead of writing that whole -- that's why people hate lawyers because that's what we would write --

Mr. Hutaff: We don't hate you, James.

Mr. Giroux: Because we would actually write that and you'd be all, oh, that's redundant and stupid. But the word "approve" does not mean that you have to approve it once you've looked at it.

Mr. Hutaff: And so if we decided to put "disapprove" in there, we'd have to have another paragraph as written by James.

Mr. Giroux: But what the criteria would be if you were to disapprove, but that's in a different section. In fact, it's further down if you look, it does say how you could disapprove it, if you go into Section B, C, D, and E, that's pretty much is that criteria for why you would disapprove something.

Mr. Hutaff: Okay, thank you.

Ms. Marquez: Comment. Same section. Comment. I see the words "shall have the power." So, Counsel, can you help me understand. What's the difference if we use like "authority" versus "power?" What's the difference?

Mr. Giroux: Yeah, I think "power" would probably be the 1960s choice of word. Today, we would probably say "authority," "jurisdiction," something like that. So it's just a crafting. It's just -- yeah, "power" and "authority" are pretty much -- would be synonymous in reviewing.

Ms. Marquez: I would highly suggest "authority."

Mr. Fredericksen: Let's insert "authority" there.

Ms. Marquez: Yes, assert and insert.

Mr. Fredericksen: In place of "power."

Mr. Giroux: It's a choice of -- because English language has two -- well, not two, but a lot of times when you have the same word for the same thing, you're coming from an English or from a romance language, so you're just picking the shorter uglier word is usually the English word. The nice long word, that's usually your romance word.

Ms. Marquez: "Authority" is more romantic than power. Then we'll go with that one.

Mr. Giroux: That's the word I usually choose.

Ms. Marquez: Thank you, Counsel.

Mr. Fredericksen: Any other comments? Brandis?

Ms. Sarich: I just needed to understand, so we have 90 days to approve or disapprove a project and if we don't, then it's considered approved. And does that count in item G.1. below where it says, "A letter of approval has been issued by the cultural resources commission," okay, I'm just trying to understand that no matter where it is, we have 90 days to look at it?

Mr. Fredericksen: And this is a question I have for you, James. What if no quorum for two or three months, or whatever, does that mean by default that it could be some project that would not necessarily be approved but it would still, by default, be approved?

Mr. Giroux: If -- this rule is promulgated under Hawaii Revised Statutes 91, I believe, it's dash 14 where it says that State agencies that review development type permits have to have some type of deadline which would deem a project approved, and it's in that section that it talks about quorum that I would have to read that again, but there is a section that talks about, you know, what it would do in a situation where you cannot get quorum.

Mr. Fredericksen: Ann?

Mr. Giroux: Ann would probably know.

Ms. Ann Cua: Actually, no, not about that issue. I'll leave that to you. But I do have a couple of things that I would like the Commission to consider, and one is along the line of completeness of an application cause it's one thing to have an application come in the door, whether it's a building permit that was submitted at Public Works and then it turns into a historic district application, having the application be complete is very important in terms of deadline. If it's a complete application, and then we have 90 days. That's one thing. If it's an application that comes in the door, and we're trying to work on completeness for any type of application, not only in the historic district, that's a challenge. That is a challenge. That's one point.

Mr. Fredericksen: So under item C, it would be, "The cultural resources commission shall meet within," whatever, "sixty days after notification by the director of the filing of the completed application?"

Mr. Hutaff: Properly completed.

Ms. Cua: Or just completed application.

Mr. Fredericksen: Completed application.

Ms. Cua: Completed application. I don't know if James wants to -- I'm throwing it out for discussion.

Mr. Giroux: I think it would be very important to have a comment in there that you would want either the director to deem an application complete, or have you have the authority to deem an application complete before the time starts ticking. That's very critical.

Ms. Cua: And along that lines, I don't know if you'd wanna be the one deeming it because we'd have to put it on an agenda just for you to deem it complete. I think you would probably -- may we suggest that if that is going to happen, which is not a bad idea, cause it just makes it clear --

Mr. Fredericksen: But it'll still come to the CRC if it needs to be -- if the application needs to be properly -- I mean completed --

Ms. Cua: Before it comes to you.

Mr. Fredericksen: Per the Planning Department's requirements.

Ms. Cua: Right. Another thing though, if I could, right now, you have given authority to the Planning Department to act on your behalf in certain situations - minor improvements to a building. Let's say if somebody -- you know, if it's not more than -- if it's 25 percent, I'm not

sure exactly what it is, excuse me for that, but you have given some authority to the Department to act on your behalf on certain applications, even annual events that come through the Commission. The initial event comes to you here for approval, but if it's the same event every year, and they're not changing the scope, we've been acting on your behalf for years. And, you know, in terms of your authority and your responsibility to protect cultural resources, you need time to be able to review everything that's out there and part of this delegation of authority was to give you more time in your regularly scheduled meetings to be able to deal with more things than just permits. And so I don't see that provision for that in here and I -- I would hope that you would want to still consider that.

Mr. Fredericksen: Ann, where would you suggest inserting that in the body of this particular section?

Ms. Cua: I think, under G.1., Within any historic district established in this article, the director shall not approve a building permit application unless: A letter of historic district approval has been issued by the cultural resources commission, the Planning Department, or the plans have been deemed approved pursuant to subsection F.

Mr. Hutaff: Yeah, I think that's what we discussed earlier when she wasn't here...(inaudible)...

Ms. Cua: Oh, I'm sorry.

Mr. Hutaff: No, no, no, no. You actually filled in some blanks.

Mr. Fredericksen: And then one other question on the -- you were concerned about having some language somewhere, and I certainly agree and other Commission Members do too as well, about, you know, somebody shouldn't just be allowed to hand in an application that's got 25 percent complete just to start the clock --

Ms. Cua: Right.

Mr. Fredericksen: And then go, oh, gee whiz, you know, eh, how come three months has passed and --

Ms. Cua: Right.

Mr. Fredericksen: Now my project is approved. The language to ensure that the application is properly completed per what Planning Department needs to make a decision about anything to get it so it could come to the CRC or be administratively dealt with.

Mr. Giroux: Yeah, Ann, I think -- I think what they're looking for is something earlier in the process. It would fall under subsection C where you're saying that the cultural resources commission shall meet within 60 days after notification by the director and that's where you would insert --

Ms. Cua: A completed application?

Mr. Giroux: That the application has been deemed complete.

Ms. Cua: As determined by the Planning Department.

Mr. Giroux: As determined by the director.

Mr. Fredericksen: Yeah, there needs to be some -- but if you could craft the proper language for that, and then read it, and then Stanley --

Ms. Cua: And, you know, we're going to do this on the floor and I would ask for our Corp. Counsel's assistance, but how about if we have that sentence read, "The cultural resources commission shall meet within 60 days after notification by the director of the filing of the completed application as determined by the Planning Department?"

Mr. Fredericksen: That sounds good.

Ms. Cua: And I don't know - if I could again, Chair, - I don't know if in section A, and maybe I'll for assistance from Corp. Counsel, but do you think in section A we need to somewhere in there insert, cause it just says right now, "The cultural resources commission shall have the authority to approve all plans," do we need to in there as well say something about delegation to just memorialize from the get-go that you do -- you are going to be approving certain plans, but there's some that, you know, you have made provision, I believe in your rules, to have -- to delegate to the Department?

Mr. Giroux: Yeah, I think if you look at our rules, there may be places in there that are actually the Department or that the Commission actually does delegate certain authority.

Ms. Cua: Yeah, they do.

Mr. Giroux: And what you want it to do is do it explicitly, you know, and that might be taken care of in the rules.

Ms. Cua: Okay, so as long as -- as long as that -- I'm just concerned that with the words "shall have the authority to approve all plans," that that does not preclude what's in the

rules for them to give authority to Planning Department on certain instances or in certain instances.

Mr. Giroux: Yeah, and if you wanted to address that there, it would probably be okay. The comment would be that you would wanna make sure that the CRC can delegate certain responsibilities to the Planning Department. So I think that would be a comment.

Ms. Cua: Okay.

Ms. Chandler: Chair?

Mr. Fredericksen: Rhiannon?

Ms. Chandler: I definitely appreciate that cause if the Department has been doing it, that definitely should be in writing somewhere that those things are delegated. My question is twofold: One, can we be notified in some way on certain things that are approved, not through the Commission, but by the Department - just some kind of update? And two, you mentioned that the Department does that for cases where it is an annual event and maybe there are no significant changes, for instance Halloween maybe, if that were something that it is an annual event and the application came in exactly the same, then I could say absolutely that the Department why not if it passed the Commission last time, but I think maybe there should be some kind of addition that if -- that that cannot happen if there are significant changes to the application just to protect, you know, that that would be reviewed by a body of people, you know, that's my only concern.

Ms. Cua: Yeah, and your point is very well taken and there's -- what we don't want to have happen, and we would never support, is not being able to bring something back to you, and there are other instances where we'd wanna bring something back for you, not only -- sorry, I like to see people when I talk - not only when an event let's say it's changed, and events is not the only thing that you've delegated, it's minor improvements and I believe it's up to 25 percent, I don't have your rules in front -- yeah, up to 25 percent that are consistent with the design guidelines, so in those instances, you have delegated authority. We always reserve the right to bring back to you, as a body, an event that may have not only changes in the scope of what they wanna do, but let's say it's a significant concern expressed in the community. That's what happened with Halloween in 2007. You know, we had been granting administrative approval, I believe, because you had done an -- you know, you had done your permit years and years gone by, and it was pretty much the same thing, you know, the stage was in the same place, they wanted, you know, face painting booths or food booths, or whatever it was, pretty much it stayed the same and so we were giving these administrative approvals every year, and then it got to a point where there was this, you know, we were getting letters from different segments of the community with all these concerns, and for any permit, if it gets to that point, we always wanna have the --

reserve the right to say, you know what? This is big enough where we're going to bring it back. It may not be -- even though it's not changing, but something's changed out there, and so we bring it back to you, and you look at it, and you did, and in 2007, in that particular case, you voted to deny it. But for any -- and that was in 2007. For any event though, we'd always wanna reserve that right because maybe it's not as simple as the plans look the same as the previous year.

Ms. Chandler: Okay, thank you.

Mr. Fredericksen: Any other comments? Okay, Stanley? Thank you, Ann.

Mr. Solamillo: Thank you, Ann. Okay, my favorite section, page 6, 19.52.050 Demolition or movement of buildings or structures, "buildings or" is an insertion. The first part of this section contained within the brackets is proposed to be removed and a statement -- and the following statement made: "The cultural resources commission shall not issue a letter of approval for the demolition or moving of a building or structure of historic significance, except in one or more of the following instances:" - the Cultural Resources Commission does not issue a letter of approval for demolitions. Public Works issues demolition approvals. So we sign off on them if anything, or the planner who has delegated authority from this body signs off on that. So that's a first issue that I see. I'll read through it and then I've got an amendment. The way it reads now, as proposed, "The director," substitution for "superintendent," "or the state department of health deems the building or structure," insertion, "to be a hazard to public safety or health and repairs are impossible; 2. The building or structure is a deterrent to a major historic restoration or preservation program; or 3. The retention of the building or structure would not be in the interest of the community as a whole. In each instance, a letter of explanation must accompany the letter of approval. Under B., "For the purpose of this article, buildings and structures of historic significance shall be deemed to be those within any historic district," this is the insertion and substitution, "that are more than fifty years old when a request to demolish or move the building or structure is made."

I wanted to offer that at least we add an additional section to codify what we do in practice that before the demolition of a contributing building or structure to a historic district or a building or a structure, which has been determined eligible for listing in the Hawaii or National Registers of Historic Places can be demolished, that the building or structure be documented according to the standards of the Historic American Building Survey and Historic American Engineering Record, which shall include large format black and white photographs; measured drawings, including site plan, floor plan, sections, elevations, and details; and written narratives, which shall include statements of significance, historic context, architectural or engineering description, bibliography, and foot notes or end notes.

That's the end of that section. Comments?

Ms. Brandis: I totally support the documentation --

Mr. Fredericksen: Yeah.

Ms. Brandis: Provision.

Mr. Osako: Does this pertain to just like designated historical districts or does this apply to any historical --

Mr. Solamillo: If they're eligible for listing.

Mr. Osako: If they eligible.

Mr. Solamillo: Right. So all that criteria that we went -- at the beginning of this session, if they meet those criteria and have been determined eligible for listing in either the Hawaii or National Register then.

Mr. Osako: Right.

Mr. Solamillo: And what we're finding -- actually, we do this in practice, but what we're finding is it's less than one percent of all the buildings that come in for demolition actually are eligible.

Mr. Osako: Because you were there when the Lana'i district became, you know, the nomination came up and it was deferred but the property owner might get by with neglect and then it will become a hazard to public safety and all that. So what happens in that kinda case?

Mr. Solamillo: Demolition by neglect, right now, is not something that we have anything enforceable. I mean we have removal ...(inaudible)... we have certain ordinance language that deals with that, but you cannot, right now, stop a person from not maintaining a property. That was the same issue that came up in the Honolulu paper. Any other comments? Ann?

Ms. Cua: Again, just something to consider, and I didn't get a chance to talk with Stan about this so we're kinda doing this on the floor, but again, for demolition permits, I don't know if for something like say like an old outhouse that may be falling apart that is 50 years old, would that have to come to the CRC as well?

Mr. Solamillo: No, we do it administratively.

Ms. Cua: But is that -- and that's what I'm -- I know -- I kinda thought we do. But does this --

Mr. Solamillo: Yeah, DSA -- DSA sends, automatically sends applications to SHPD and we get copied on them.

Ms. Cua: Right, but does -- my question is: Will this -- I don't want this to preclude us from that, and does it? I don't know.

Mr. Solamillo: I don't think so.

Mr. Fredericksen: James, is there anything in the language that would change it up so we have to be looking at the super super minor stuff that normally that would be dealt with on an administrative level?

Mr. Solamillo: It's just -- I'm sorry to interrupt. It's the wrong body. We don't issue an approval letter. DSA issues the approval letter, the Department of Public Works.

Ms. Cua: Right, but we do issue historic -- do we issue historic district approvals? No? We just make comments on the demolition?

Mr. Solamillo: Yeah. I mean we -- if anything, we will recommend mitigation.

Ms. Cua: So then maybe this wording is wrong.

Mr. Solamillo: Yeah.

Ms. Cua: "The cultural resources commission shall not issue," it says, "a letter of approval."

Mr. Solamillo: Yeah, we don't do that.

Ms. Cua: Okay, so then we need to --

Mr. Solamillo: Yeah.

Ms. Cua: Then we should change that, and that should be our recommendation.

Ms. Marquez: So, excuse me.

Mr. Fredericksen: But there is no letter that gets issued.

Ms. Marquez: Then you have the except -- “except in one or more of the” other, so that all should be struck.

Ms. Cua: Well, for demolition permits. We’re on demolition permits and they’re a little different.

Mr. Giroux: Stanley, I think you gotta internally be consistent with your review plans language. If you go back, it says that if we have the power to approve all plans, then you have to go back and say the cultural resources commission shall not approval any plans for demolition, right?

Mr. Solamillo: Again, I’m not the author of this document.

Ms. Cua: Well --

Mr. Giroux: For any plans for the demolition or moving of a building or structure, yada, yada, yada.

Ms. Cua: The challenge I see is that, okay, number one, the Planning Department nor the CRC has authority to approve demo permits. The Planning Department and the CRC have the authority to approve historic district applications for certain projects in the historic district. So I mean right now; today. One, by you giving us authority to approve some minor -- let’s say a building permit comes in and they need historic district approval, their changing a window and a door, we have the authority, given by you, to grant historic district -- a historic district approval, and you also have authority to do historic district approvals for certain kinds of work, but not -- we don’t, we both don’t have authority to approve demolition permits. You give comments and make recommendations, correct.

Mr. Fredericksen: So, James, going back to your, under the 19.52.050, this sentence, you read something in there that shall not authorize --

Mr. Giroux: Right. I mean just -- and this is what I brought up before when we were talking about there seems to be a disconnect between your demolition powers and your plan review powers, and I think that’s where in order to tighten this up, if you start using the same language, then it’ll start making sense a little bit more. If you look at your review plans language, it says, it starts off with, “Within any historic district,” and then if you look at your demolition, it starts to kinda get loosey-goosey I think.

Mr. Fredericksen: That’s because it’s an age criteria and it’s not a criteria that’s not -- it’s not only in the historic district.

Mr. Giroux: Yeah, and that's where I think the Planning Department is saying that they're having a problem because you're -- you don't have a demolition -- there's no demolition permit outside of the historic district, so in order for this to make any sense, and to work parallel with your plans review, it would have to be for structures within the historic district, if it's going to fit in this area. Otherwise, there needs to be another full section dealing with demolitions of historic property outside of the historic district. Ann, am I telling you correctly?

Ms. Cua: Yes, that's correct. And in light of -- what I wanna discuss with you at this point, and from what I've heard in the time that I was here, it might be a good idea, at this point, especially cause we're getting close to lunch and I know there's applicants waiting for other items on the agenda, is, you know, we've heard, we've discussed a bunch of things, you know, up to page 6, and maybe you want to consider deferring action for today. We can come back to you at the next meeting with what we've talked about today so far and so at least you can have some -- some language, or we've talked about it a little bit more and we can help you a little bit more, but we've heard at least from you today a certain point and then maybe we could take it up at that time and then move on. There's so much on the agenda.

Mr. Fredericksen: Okay, yeah, let's -- I agree with what Ann just said. If any Commission Member wants to make a motion to defer this agenda item so we can get on to other things.

Mr. U`u: Motion to defer.

Mr. Osako: Second.

Mr. Fredericksen: Is there a second?

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. U`u, seconded by Mr. Osako, then unanimously

VOTED: to defer this agenda item.

Mr. Fredericksen: Okay, item deferred. Thank you. Now, if there's any comment, brief comment on this one particular agenda item, you can do it now or when this comes back. Keep it brief, please.

Mr. Ramon Madden: Thank you so much, folks. Just to keep this extremely brief. I didn't plan on speaking on this topic. I came here to talk about Halloween. As part of the West Maui Community Association, I've done a lot of interviewing people and asking, you know,

how can we give back to the Hawaiian community? How can we give back to the community? And I thought I'd just like to share just a little bit of insight on a really remarkable answer that I got back from a Hawaiian spiritualist just the other day. He told me that just like the life of the land is perpetuated in righteousness, it's righteous to perpetuate the life of the land. Anyway, it sounds funny but --

Mr. Hutaff: No, that's good.

Mr. Madden: It's true. The way that he explained it, it made a lot of sense. He said that we spend most of our time focusing on the landmarks, we spend a lot of our time focusing on the iwi, the bodies of our ancestors, but what we have to remember is that it's the actual land itself, and so just to put it on the table, protecting a house, protecting a graveyard, what are we doing to protect the actual life of the land in itself, let's say from the stream going from the ocean -- I mean from the mountain to the ocean, what have you? We have fishponds but no fish. We have a stream but -- we have a taro field but no taro. And are there -- is there a way to integrate the land into the historical aspects from this committee and if that's so, I don't know what that would look like, but I just thought I felt it necessary to mention this and share a little bit of mana`o that I go on the street, so thank you very much for your time.

Mr. Fredericksen: Thanks. Ray?

Mr. Hutaff: Would you do me a favor?

Mr. Madden: Yes, sir?

Mr. Hutaff: Next time you come for the Halloween, can you repeat all of that for yourself?

Mr. Madden: I'm sorry?

Mr. Hutaff: Okay, it's a good call, but sometimes we need to repeat things in our heads, okay, when we're in a different circumstance. So when you come back for your ideas on the Halloween, that would be a good thing for you to open with.

Mr. Madden: Oh, wonderful. Thank you.

Mr. Fredericksen: Okay, thank you much. Okay, we've got -- we've got lunch. Do we wanna eat -- eat through the meeting?

Ms. Marquez: Working lunch?

Mr. Fredericksen: Yeah. Yeah, Stanley?

Mr. Solamillo: She had one more comment?

Mr. Fredericksen: Okay, okay. Name and --

Ms. Wendy Wickman: My name's Wendy Wickman. I'm the new Field Director for Historic Hawaii Foundation. I've met Ray. He's on our Board of Trustees, and I wanted to take this opportunity to say hello to the Commission. I'll be making regular trips to Maui as part of the Circuit Rider Program, so you may see me, if not next meeting, the one after. We also have a letter that I'd like to read or I could just submit it and you could break for lunch. I was a little confused about whether the testimony goes to you and then onto the record when the Council looks at the recommendations of the Commission, or whether we send it directly to the Council.

Mr. Fredericksen: Stanley?

Ms. Wickman: As far as comments on this ordinance. I can give it to Stan today and I also -- there is a section of it I should read and it's -- I'll read the whole thing:

I'm writing on behalf - this is from Kiersten Faulkner, who's our Director of the Historic Hawaii Foundation - regarding the Lahaina National Historic Landmark District. We would like to offer comments and support a strong regulatory protections for the Lahaina NHL District, which are already embodied in national, State, and County laws and regulations.

In February 2009, HHF submitted testimony to the Commission expressing concern about the cumulative threat to Lahaina NHL District from improvements made without permits, particularly replacement of original windows and incompatible construction. We also encouraged, at that time, updating the nomination to include periods of significance beyond those associated with the whaling period. I think Stan's already referred to that process. It's an ongoing process I know and has it already started or?

Mr. Solamillo: ...(inaudible)...

Ms. Wickman: So we feel the plantation era is an extremely important history of Lahaina and the nomination should reflect this. We continue to urge the Commission to contact Elaine Jackson Retando of the National Park Service NHL Program regarding the current condition of the district, and to give the NPS the opportunity to comment on any projects that affect the NHL district.

Each year, HHF compiles a list of the most endangered sites in Hawaii to recognize threats to historic sites throughout the State. Inclusion on the list acknowledges that a historic site is threatened. This could be for a variety of reasons ranging from development to neglect and natural disasters. This year, we've included Lahaina on our list of most endangered

sites. While inclusion on the site will not offer protections for Lahaina against demolition or alterations, it does help to raise awareness of the importance of Lahaina. The goal is that this raised awareness of the issues facing the site will lead to development of ways to preserve its historic character.

We appreciate the opportunity to submit comments to support Lahaina's architectural integrity. Please don't hesitate to contact us if you have further questions regarding the inclusion of Lahaina on the 2010 list of most endangered places in Hawaii.

And I just wanna add that having listened to this discussion today, I was very impressed with the effort that's going in to protecting Lahaina, and it sort of left me mystified as to where -- where this threat -- why this threat has become this severe. It's -- you're taking so much attention and time, and I know Stan is too, and maybe that's something that could be thought about at your next meeting is you have the regulatory powers and Lahaina has -- has been suffering. Thank you so much.

Mr. Fredericksen: Any questions, comments?

Ms. Kanuha: I just have question. So you're saying that your organization --

Ms. Wickman: I should explain. We're a Statewide nonprofit.

Ms. Kanuha: Okay.

Ms. Wickman: We often consult and sit in on the Federal undertakings, the meetings that occur. You had one section in your ordinance that refers to archaeological review, and I did have one thought that it could include adverse -- findings of adverse effect and that could be a criteria for your Commission to review. That's one way to narrow it down. I'm sorry.

Ms. Kanuha: So where does Moku`ula fit in as, you know, as Moku`ula is in if not one of the most sacred places in all of Hawaii, which is -- I just wanted to know what was your -- do you support it or protect it?

Ms. Wickman: Are you -- do you mean in terms of including it on --

Ms. Kanuha: Yes.

Ms. Wickman: The most endangered sites?

Ms. Kanuha: Yes.

Ms. Wickman: It would -- that's a very worthwhile suggestion and we have process --

Ms. Kanuha: Suggestion?

Ms. Wickman: To include it on our most endangered sites list, which is done annually, is that what you're asking me?

Ms. Kanuha: Yeah, I just wanted to know where does Moku`ula --

Ms. Wickman: I'll tell you how our list is developed.

Ms. Kanuha: Sure.

Ms. Wickman: I think that might answer your question. Every year we accept nominations, and the nominations come from people all around the State, but it's done at their initiative, and the list is modeled after the national -- the Park Service has a most endangered places list, so we took the model that's done on a nationwide basis and we started doing that for Hawaii, and the nominations come from people. We solicit them. The forms are available on the website for the organization. And then we partner with *Honolulu Magazine*. *Honolulu Magazine* will do an article to publicize the endangered site. So if there's one that you haven't in mind, that you would like included on next year's list.

Mr. Fredericksen: Okay, we -- this is something we gotta take up another time.

Ms. Kanuha: Yeah, it's going to take --

Mr. Fredericksen: Good question and everything but that's -- we gotta try to move on. We know ...(inaudible)...

Ms. Wickman: I'm sorry.

Mr. Fredericksen: No, that's fine.

Ms. Wickman: I may not have understood the question. But thank you so much for your time.

Ms. Kanuha: No, thank you.

Mr. Fredericksen: We can reach out.

Ms. Cua: Chair?

Mr. Fredericksen: Yeah, Ann?

Ms. Cua: Just real quickly. In terms of your letters - what is her name? Oh. On your letters, you know, we will accept your letters but you probably should also send them directly up to Council as well. Yeah? Thank you.

Mr. Fredericksen: Please state your name.

Ms. Elle Cochran: I'm Elle Cochran, and it's been eye opening to hear you folks go through this document and about demolitions. I think we really need to pay more attention to that and not so much -- I mean demolitions. I know Lana'i was voted one of the most endangered places in the, you know, in our nation and they're by neglect. Things can be demolished, and we don't even have any protection for that. You know, I'm talking about makaoioi, the home up in Honolulu, that at night it was demolished. I mean none of us saw it coming. Nobody was talked to. Nobody was asked about it. And why is that? Because I mean there is no trigger for public testimony or input or whatever. There's no protection for us, the people, kanaka maoli, who are connected to these special areas outside of our historical districts. So I would love to put out that suggestion or whatever to, you know, focus and see where can we put more stronger language and protection and to have it come to this Cultural Resources Commission to have, you know, to see it firsthand. And that's, you know, the disconnect between the Planning Department and the Public Works in this whole historical district thing, I just never knew. I had no idea. We had no protection. So I would -- that's just mana`o today and it kinda struck me as being something of quite importance.

Mr. Fredericksen: Okay.

Ms. Cochran: Thank you.

Mr. Fredericksen: Thank you. Yes, Ray?

Mr. Hutaff: To kinda bring you up to speed. We have suggested in the past that people within the community who know the lands around them, okay, do a survey and make mention of what is important in their area and present it either to this Commission through Stanley or through the Planning Department so that we would know in advance. We can't be everywhere so we rely on the people within the community, which is your duty, as you've spoken because you're taking that on now, so your idea is perfect. It just needs to start with you. That's my opinion.

Ms. Cochran: Awesome.

Ms. Marquez: Today, do you speak as -- are you representing ...(inaudible)...

Ms. Cochran: No. I'm just speaking as an individual.

Ms. Marquez: Oh, as an individual.

Ms. Cochran: Uh-huh.

Ms. Marquez: Thank you.

Ms. Cochran: Yeah. And I wanted to share, I probably won't be here to, sorry, testify on the Honolua Bridge, but that's something that I wanted --

Mr. Fredericksen: ...(inaudible)... testify on that. You can --

Ms. Cochran: I can do it now? Okay, good. You know, I live there in Honolua. I walk by that bridge every single day, in and out of my road, in and out of my gate, and the sad part about this particular bridge is that the existing road has already demolished the most sacred thing that was ever there - the heiau. And so, you know, there is record of this but, you know, you can't take back what's already been taken, and that's where I think, you know, I'm so aware of all our cultural sites and things - once it's paved over, it's paved over. There's no taking that back. But the land, the `aina there is still speaking and it is still a very special place. So the mana`o from my community in the area is we don't wanna see it widened and, you know, to -- if it needs to be beefed up structurally to be safer, great, and put a little additional walkway for pedestrians and bicyclists or what have you, but don't touch the width of that bridge itself. So I mean there's a lot of significance, it's hard to prove or see it today due to the fact of the development and, you know, what's around it, but there are people still practicing, you know, cultural practices are happening there and I'm, you know the eyes and ears for this area and that is why I'm here today but, unfortunately, I won't be able to, you know, stay for the presentation.

Mr. Fredericksen: I have a question for you. Regarding the bridge itself, regarding the structure, are you - I'm not sure what the proposal is, I'm assuming to demolish the bridge --

Ms. Cochran: Widen.

Mr. Fredericksen: And then widen the road because it's a Federally funded project and they want everything a certain width - this happened in Hana and it didn't -- it didn't happen because it's like -- it's a historic --

Ms. Cochran: That's right.

Mr. Fredericksen: Structure. Are you in favor of the bridge itself being demolished?

Ms. Cochran: No. No.

Mr. Fredericksen: And is that part of your testimony?

Ms. Cochran: Yes.

Mr. Fredericksen: Okay.

Ms. Cochran: So, yeah, maybe I didn't make it clear, but keep it the single lane that it is. You know, structurally, we feel -- I mean I've talked to people who have been with Maui Land & Pine all their lives and retired and they drove the big 'ole trucks over it. It's always been strong enough. And the thing about this bridge, it's not -- the width is not very long, so by the time the cab of a truck drives over it, now the bed and the load everything is going over it, so it's never on there completely from, you know, cab to --

Mr. Fredericksen: Or the span.

Ms. Cochran: Right, the span of it. It's a very short bridge. So it's never, you know -- and I've been under it, through it. I'm not an engineer, but I mean one car at a time going over it, it's perfectly sound, in my opinion, and so again, the consensus of the community says do not widen but, of course, for safety features for pedestrians, people walking to and from the beach or riding bicycles, build a little separate, you know, area on the side of the bridge, and we could full stand behind that. So that's my take on it.

Mr. Fredericksen: Thank you. Any comments or questions on this? Okay, thank you. I'm sorry, Rhiannon, were you going to say something?

Ms. Chandler: So just to clarify, the bridge itself, you just want it supported as it is now?

Ms. Cochran: Yeah.

Ms. Chandler: Not -- not altered but supported from the bottom to maintain the same quality and then an addition of a pathway on the side maybe for biking or walking?

Ms. Cochran: Right. I mean again, not being an engineer, if it needs to be structurally, you know, beefed up and made more safe, then great. But I don't really feel -- we don't really feel, the community, that it needs to be completely demolished, torn down, and then redone all over again. Okay, thank you.

Mr. Fredericksen: Thank you. Alright, any other comments from the -- from the audience? Okay, so we're going to take a break for lunch and then we'll come on the item 2. Do we wanna do a ten-minute break, Stanley, and we'll work through lunch? Okay, so ten-minute

break. We're going to be eating lunch and we'll resume with item 2. Thank you for being patient folks.

(A recess was called at 1:00 p.m., and the meeting was reconvened at 1:22 p.m.)

Mr. Fredericksen: This is item no. 2.

Mr. Solamillo: We have an agenda change, instead of Mr. Mike Newbro, it's David Vitarelli of Makai Properties, Inc.

Mr. Solamillo read the following item description into the record:

2. MR. MIKE NEWBRO of MAKAI PROPERTIES, INC., on behalf of RILEY MATTSON AND MIKE HALPER, requesting approval for the rehabilitation of a house located at 714 Front Street, TMK (2) 4-6-002:003, in the Lahaina National Historic Landmark, Lahaina, Maui. The CRC may comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)

Mr. Solamillo: This case has been percolating for two years and, initially, when the owner -- when I first met the owners, actually, they were talking in terms of demolition, so it's taken about two years to get everyone to look at the site differently and actually preserve one of the houses that -- or the most historic of all the properties that were built on this parcel, so it's kind of a -- an interesting case given what we were discussing this morning.

This is a 1960 -- probably, no, excuse me, it's an '85 photograph of Lahaina and the 700 Block of Front Street, and this morning we were looking at a series of photographs, which showed that the cane fields of Pioneer Mill urbanized over time and what started out as having districts with a majority of historic buildings all of sudden were swallowed up by new subdivisions and cul de sacs, and that came from the urbanization of the cane fields. The property in question is identified with an organ arrow at the middle bottom of the screen, and, originally, when the project came in, there was a kuleana wall that was located along Front Street and there were three houses on this parcel as well as one outbuilding. The outbuilding and the older house, which has the cross gables, are buildings that we'll be discussing today. There was two or there were two additional buildings, which I believe dated to the 1970s, one of whom has been cleared. That's a shot of it on the lefthand side right now. It's a very picturesque site. The building has had additions made to it over time, and I believe I included in the mailout a copy of the National Park Service brief on additions and how they need to be looked at. Additions are actually records of periods in time and they're associated with certain events sometimes. In this case, a lot of the additions appeared to be made probably during the '60s or early '70s, but in questioning the applicant, it's really difficult to ascertain where the original limits of the original building is, but it had become kind of one of those facades on Front Street that everybody knew and

after initially coming in and wanting to tear the building down, after the negotiations continued, it kind of culminated with the fact that they would keep the building as it was on Front Street and rehab the interior and restore or keep in place all the additions and restore the exterior.

This shows you two views. One is the bottom view, which faces the ocean on the makai side, and then other view is looking, I believe, north. This part of Lahaina has always been a favorite part for -- for people to be, and if you'll remember the William Kaluakini house, which was located in the 500 Block of Front Street. It became a place where the kama`aina families built their houses and lived, and after 1924 when the manager of Pioneer Mill decided that he wanted to have oceanfront property and moved down to Makila, which has since been named Puamana, a whole group of mid-level management from Pioneer Mill relocated from what was known then as Lunaville to the makai side of Front Street and in the vernacular, the whole street at that end became known as Haole Camp. Of those houses that have been moved from Lunaville, probably six remain, and these are the only remnants of the Pioneer Mill's middle management.

This was the William Kaluakini house. It received an award from the Historic Hawaii Foundation in 2005, the Historic Preservation Honor Award, and it was important because we didn't know anything about the history of this place until we actually wrote a nomination for it and found out how important the person was who actually lived in that house, and he was deputy sheriff of Hana as well as Lahaina during some of its tumultuous times, especially the labor strike, I believe, in 1925.

A similar situation exist with the property that we're looking at today in that we haven't had time to do research on it and find out who lived there and for what length of time. It safe to say that this is, the plan as it exist today, probably with changes, and the plan will stay intact as it is as well as the exterior. And these are some schematic renderings of the elevations of the property. At this point, I'll probably invite the representative to come up and talk to you if you have any questions about the project.

Mr. David Vitarelli: Thank you for the opportunity to address you. My name is David Vitarelli. I live in Haiku. And I'm the general contractor for the owner of - it's actually 417 Front Street. And I'm here to concur that the owner wishes to keep everything intact and renovate in a historic way; keeping the original roof line; the same footprint; the windows now are jealousy windows, he wants to replace those with the traditional double-hung multi-light windows. In general, and I'm glad you brought up 450 Front Street, the Kaluakini house, because that -- that is a little -- two houses down, mauka side of Front Street, this is makai, of course, and that is our model. The exquisite detailing and so forth, we're looking toward that hoping to emulate that -- that house, the 450 Front Street, in our renovation here. So basically, we wanna maintain the -- its one-by-six painted TNG siding,

we'll be putting in new windows, maintaining the roof line, and that's basically it - keeping what's there. And if anybody has any questions? Yes?

Mr. Fredericksen: Brandis?

Ms. Sarich: So the dining room is getting -- the exterior walls of the dining room is being removed to make the big lanai ...(inaudible)...

Mr. Vitarelli: Oh, in the -- okay. That is one issue. Yes, it's still pending and we haven't gotten word back from Jim Buika yet about whether we can -- if it isn't -- whether we can do that or not. If it is an issue, we will make the lanai, that portion that is in the setback, we'll make it removable.

Ms. Sarich: And then the windows, what kind of windows are going in? What is the material?

Mr. Vitarelli: Wood framed, double-hung windows.

Ms. Sarich: Great. And then siding is just going to be restored or is it going to be changed?

Mr. Vitarelli: We have to look at that closely. There is some rot, fascia rot, and there is a lead paint issue, which we have to address, which is quite expensive, so we will -- I'm in the process now of becoming certified as a lead paint -- getting my certification for that, so we'll be doing it all according to regulations. And, yeah, the siding, to answer your question further, it's now one-by-six TNG and we have to -- I wanna, before I start tearing it off, of course, I wanna get my certification so we'll be looking at that, but we're trying to restore exactly how it looks now, as he said. Yeah.

Ms. Sarich: And I had a question for Stan. Are the divided lights the right windows for that house?

Mr. Solamillo: ...(inaudible)...

Ms. Sarich: Yeah.

Mr. Solamillo: ...(inaudible)...

Ms. Sarich: Okay. Thank you. That's all.

Mr. Vitarelli: Anyone else?

Mr. Fredericksen: Any other questions, comments?

Mr. Hutaff: Yeah, you mentioned that you were trying to restore it as it is now; then you also mentioned that you wanted to replace the windows back to its time. The windows back to its time. In other words, the windows weren't necessarily correct.

Mr. Vitarelli: Well, no, they're not. They're jealousy windows, some are sliders, they're aluminum frame, yeah, they're mixed.

Mr. Hutaff: So you don't really wanna restore it to the way it is now. You wanna restore it back to the way it was supposed to have been.

Mr. Vitarelli: That's correct. Technically, my semantics are a little skewed.

Mr. Hutaff: That's okay. I won't argue with you.

Mr. Fredericksen: Any other questions, comments? What's the roofing material that you're going to be using?

Mr. Vitarelli: It's now corrugated metal, and it is in need of repair as it's been, originally, it was wood shingles, asphalt, there's a layer of asphalt shingle over that, and now it's corrugated metal, which needs repair. So there's been some discussion, and maybe Stan can help me with this, as far as if shingle is acceptable or corrugated metal is the way we should go. We're willing to work with the recommendations.

Mr. Solamillo: If the original layer is wood shingle, then you can go with shingle. You can also go with corrugated metal.

Mr. Fredericksen: Any other questions, comments? Brandis?

Ms. Sarich: I think it looks really good.

Mr. Fredericksen: Yeah, I just wanted to -- oh, I'm sorry. Go ahead.

Ms. Sarich: No, that's okay.

Mr. Fredericksen: I just wanted to recognize the owner for, you know, and thank them for going along this route, or acknowledge the owner for going along this route, trying to restore/rehabilitate an -- what looks to be quite a nice structure. I'm familiar with the house.

Mr. Vitarelli: I'll relay those comments to him and thank you very much. As I mentioned, Tom Brayton's house down the way, at 450 Front Street, is exquisite, if anyone is familiar

with that house, and we'd be looking toward that house as far as how we do this one. So I hope, you know, he kind of set a precedent on the street and I hope others can follow.

Mr. Fredericksen: Great. Comments? Yeah, are there any recommendations? Brandis, do you have any recommendations? I mean it sounds --

Ms. Sarich: No, everything's --

Mr. Fredericksen: It sounds all good in going with the correct windows and --

Ms. Sarich: Yeah.

Mr. Fredericksen: And everything. Stanley, do you have any comments?

Mr. Solamillo: I, personally, want to applaud the owners because this, and maybe it started with Tom and actually the man, the carpenter who began the work before Tom, and I forget his name, unfortunately, but it's just one building at a time or one owner at a time, and it reverses what the trend, you know, usually is, which is we wanna tear it down and build something new. So I really applaud the owners for coming around and agreeing to keep a time honored facade on Front Street and then still find a way to do their ultimate development on the same parcel, so they're to be praised as well as the contractor. So my recommendation is approve.

Mr. Fredericksen: Thank you. Okay, so we don't, at this point, all's we can do, I mean we just, like Stanley said, maybe we could transmit an acknowledgment of, you know, support for this action. And they'll continue working with the Planning Department, correct? It sounded like there was the roof ...(inaudible)...

Mr. Solamillo: Yeah, there is a special management area permit that's been submitted. And the recommendation of Corp. Counsel is, James?

Mr. Giroux: Yeah, if there's no other recommendations, I guess, for the record, what does the Planning Department need in order to go forward and you guys need us to just say no recommendation?

Mr. Solamillo: No, we would recommend approval of the project.

Mr. Giroux: Oh, okay. Alright.

Mr. Fredericksen: So we do need a motion?

Mr. Giroux: Yeah ...(inaudible)...

Mr. U`u: Motion to approve.

Mr. Fredericksen: One second.

Ms. Marquez: Just one question. I notice this is being viewed a rehabilitation of a house as oppose to a renovation or refurbishment. Can you help me understand why the word "rehabilitation" is used?

Mr. Solamillo: That was one thing I didn't get to get for you guys today, which was the definitions. Rehabilitation. We'll start with -- there's several words. "Restoration" is where you take a building back to its absolute original construction, correct? That means interior and exterior. "Rehabilitation," in the way that I'm interpreting or using the term is, I will restore the exterior of the building but I reserve the right to make some sort of changes on the inside of the building. Adaptive reuse. I still need to use the Federal definitions because I haven't had time to consult with those, but I'm consider that adaptive reuse is the looser of all three definitions, and there is more latitude taken in an adaptive reuse. So when I do a rehabilitation, I'm probably matching closest to the National Park Service guidelines, which means that I'm not going to do anything that would compromise the integrity of the building as it appears from the outside from the public right-of-way. In the adaptive reuse that you will see later today, that's a whole different scenario, so we'll discuss that when we get to that specific case. But there are differences between - I just did not have time, this is from memory so I may be mistaken. I did not have time consult the Federal definitions this morning.

Ms. Marquez: Thank you.

Mr. Fredericksen: Okay, now, there was a motion that was about to be made. Bruce?

Mr. U`u: Motion to approve.

Mr. Fredericksen: Second?

Mr. Osako: Second.

Mr. Fredericksen: Thank you.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. U`u, seconded by Mr. Osako, then unanimously

VOTED: **to approve the rehabilitation of a house located at 714 Front Street.**

Mr. Fredericksen: Okay, motion carried. Okay, Stanley, next item, item 3.

Mr. Solamillo: Okay, this is a cultural impact assessment for a slab and girder bridge built in 1924.

Mr. Solamillo read the following item description into the record:

- 3. MS. ANN CORDOVA on behalf of CULTURAL SURVEYS, HAWAI'I requesting information on general history and past land use; cultural resources including historic sites, burials, and traditional gathering places; cultural associations, referrals of kūpuna willing to share traditional cultural knowledge of the area and surrounding ahupua'a lands (Honolua) as well as any other cultural concerns in advance of a Cultural Impact Assessment (CIA) for the Honolua Stream Bridge Rehabilitation/Replacement Project, Maui Island TMK (2) 4-3-001. The CRC may provide information and comments. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: I'm having difficulty reading today, so I apologize.

Mr. Fredericksen: Want the lights on?

Mr. Solamillo: No, it's my -- my eyes. This is a cool little bridge, slab and girder bridge, built in 1924, and you find it going toward the northern end of our island. And I was lucky I had some time to go and actually walk -- walk the roadway and walk down and photograph the bridge. These are various views. It's pretty simple and similar to the Hana bridges, and actually probably designed by Maui County Department of Engineering, when it was under the direction of Paul Low, who was the engineer who actually was involved with the design of the Hana Highway and the Hana bridges, so there's similarities between this bridge and some of the simpler bridges along that highway.

Mr. Fredericksen: And this is -- it's County owned? County property?

Mr. Solamillo: This is County -- I don't know. You can -- we'll ask the applicant to fill in some more information. Simple girder, simple slab, with parapets, concrete, and then that's stone abutments. At this point, probably I ask Ann to come up and speak with you more at length about it.

Ms. Anna Cordova: Good afternoon. I'm Anna Cordova. I'm with Cultural Surveys Hawaii. And this my co-worker, Colleen Dagan. We're working on a cultural impact assessment for this project, so we're coming to you to ask you if you know of any cultural traditional practices that past, present, and potential that would be affected by this. Our study area for our cultural impact assessment is the entire ahupua`a of Honolulu, so we have already contacted quite a few community members and organizations. We've contacted over 50 people and organizations together. We are doing this for Austin Tsutsumi & Associates, and they are conducting their own community consultations, and this project is still in the very early stages. It's -- Austin Tsutsumi & Associates is still conducting their own consultations and as you'll see by the name of the project, they're not sure what they want to do yet. They're not sure if they want to make it a two-lane or keep it a one-lane, but because it was built in 1924, it's not up to the Federal Safety and Seismic Standards. So just as a part of our cultural impact assessment, we're coming to you to ask your help and guidance about cultural traditional practices in the area, or if you know of anybody that you think we should speak to in the area that we may not have already contacted.

Mr. Fredericksen: Did you -- were you in the room when there was the one testifier ...(inaudible)...

Ms. Cordova: Yes, Elle. Yes, we've spoken to her before.

Mr. Fredericksen: Okay. So you folks have reached out to her and other folks that are there?

Ms. Cordova: Right. We've contacted quite a few. We've been out to the area three times and we've contacted quite a few of the landowners in the area and people who live there or who grew up there.

Mr. Fredericksen: I'm just making a comment because this came to the CRC the first time I was on, not this, but the Hana bridges, and again, Federal monies used and so they engineers go, oh, okay, that means the bridge disappears and you put in something that looks like, basically, on the backside of Maui by Kaupo and everything, and it's just like completely out of place.

Ms. Cordova: Right.

Mr. Fredericksen: The 1990 Historic Bridge Inventory and Evaluation, that, just for Commission Members information, that's -- how long ago was that? That's 20 years ago. And just because a bridge didn't make the cut, if you will, in 1990, it doesn't mean that that's the case today. I would argue just because 20 years past, that's something that's probably not that strong anymore. You mentioned that they're looking at rehabilitate -- what was it? Rehabilitation/reconstruction?

Ms. Cordova: Replacement.

Mr. Fredericksen: Replacement. The thing I would encourage DOT -- so who owns this bridge, is it County or DOT?

Ms. Cordova: I believe it's a State highway so ...(inaudible)...

Mr. Fredericksen: Okay, so it is technically a State bridge?

Mr. U`u: It says "County" here.

Mr. Fredericksen: Yeah, I know. See, that's my understanding is it's a County bridge but maybe it's a State -- where does the State highway start? It's kinda confusing. Does it end there and then it's -- or does it begin on the other side of the bridge?

Ms. Cordova: I'm not sure.

Mr. Fredericksen: I had this -- we worked on another bridge a little further over and trying to get information on some of these is kind of interesting.

Ms. Cordova: It is. Right. Yeah.

Mr. Fredericksen: So you folks aren't sure if it's County or State ultimate ownership?

Ms. Cordova: I'm not sure who exactly.

Ms. Colleen Dagan: I mean it's Highway 30, isn't it?

Mr. Hutaff: State.

Ms. Dagan: State Highway 30.

Mr. Hutaff: It's the State.

Ms. Kanuha: Yeah, it's Highway 30.

Mr. Fredericksen: I don't know.

Ms. Dagan: I believe it's State Highway 30.

Ms. Cordova: It is State Highway 30.

Mr. Fredericksen: Okay, so then it's, at this point, probably a State property, if you will. Just from my perspective, this is I think the last -- are there anymore of these bridges out on this side? There might be a couple going over towards Kahakuloa.

Ms. Cordova: There might be a couple. This is the only single-lane bridge. It's the only one that --

Mr. Fredericksen: Yeah, I mean old one, not like a new double --

Ms. Cordova: Oh.

Mr. Fredericksen: Double, triple, whatever lane.

Ms. Cordova: I'm not sure about that. When I looked at the -- that report on the historic bridge inventory, there were a couple over there.

Mr. Fredericksen: And one or two of them may not even be in existence. Three?

Mr. Hutaff: Three.

Mr. Fredericksen: Where are the other two, Ray?

Mr. Hutaff: Obviously, Kahakuloa side, when you come down that long single highway --

Mr. Fredericksen: Yeah.

Mr. Hutaff: And make that turn right there.

Mr. Fredericksen: And that's a single-lane bridge.

Mr. Hutaff: That's actually a bridge even though it only spans four feet. And then when you come back up again, and go back around, they have that the airplane bridge, the one that -- the metal bridge, the span bridge, right after that, if you go up a little further, there's still a bridge there that wasn't -- that didn't make the complete thing when they put that metal bridge up. That's a real small one. I don't even think that today it would even be considered a bridge because of what it spans.

Mr. Fredericksen: More like a culvert cross or something like that.

Mr. Hutaff: Culvert type or leftover is when they put the metal bridge cause the metal bridge was a replacement, right? Because it just crashed. A temporary replacement, by the way, 30 years ago.

Mr. Fredericksen: Well my comment to DOT or just a general comment is this is a - I would argue - this is a really unique bridge on West Maui. There aren't - there just aren't any other bridges, a couple more over by Kahakuloa, but this is the longest one and it's not that long, like the gal that testified said, you know, the plantation trucks, one side is already over the bridge and then, you know, it's in the middle of it, the back end, but it is still a historically unique feature so, from my own perspective, it -- I think that it is -- it is a significant example of an early - whatever these -- this is mid-1920s bridge. Very simple construction and everything. It's nothing real fancy. But just an old -- an example of a style that's pretty much gone on West Maui.

Ms. Cordova: Right, they're still early in this, in their stages of the historic architecture assessment and all that has not yet been done.

Mr. Fredericksen: The other thing is the -- they did this with the road to Hana. There are exceptions that can happen, you know, in the overall process. The Feds will still grant the money; it's just it's going to be -- it won't be engineered to their certain standards. It's not going to be whatever it's supposed to be, 40 feet wide or -- cause you're supposed to have two lanes and sidewalks on each side, and just like -- just think of Kaupo, on the back side of East Maui. Yeah, Ray?

Mr. Hutaff: Just to qualify what you're saying. Up until Hilary Clinton got the Millennium Highway passed, there was not going to be any Federal funds unless it was done to Federal standards. When she made that Millennium Highway, that's when the Federal Government was able to circumvent their -- challenge their own rules --

Mr. Fredericksen: Their engineering.

Mr. Hutaff: And say, okay, this is a new rule now that we have to have this road stay in its own context, therefore, we will release funds without the Federal standards being met. Honolulu is not part of that Millennium Highway. So chances are, there wouldn't be any Federal funding unless it was only repaired, okay. Now, when you slash over here and say, you know, rehabilitation slash -- what is it? Replacement? Okay, is that if/or? Or and/or?

Ms. Dagan: One or the other.

Ms. Cordova: Right.

Ms. Dagan: They're not sure.

Ms. Cordova: They're not sure what --

Mr. Hutaff: Okay, so they're not saying that we have to take down some of it and -- in order to rehabilitate it, which would be replacement of something. What you're telling us here is that there's a choice here.

Ms. Cordova: Right.

Mr. Hutaff: Okay, the choice may not be ours here, there may be a physical choice based upon the engineering side of it.

Ms. Cordova: Right.

Mr. Hutaff: Okay, so we really don't know where that's at. Your comments to come here and ask - you've already talked with Cochran on the issues over there, I can't speak for everybody here, but I think that based upon the rules of this Cultural Resources Commission, we're almost bound to keep it the way it is, you know. So it's kinda automatic going to be our suggestion is to kinda keep it that -- that way as far as its looks goes and how you reinforce it. The other thing is too is by rehabilitating the bridge, generally when we're talking about doing something, we're doing the aesthetics of it or the visual side of it. Based upon what I see here in the bottom picture, on the right-hand side, there seems to be a lot of room for reinforcing without changing the face of the bridge.

Mr. Fredericksen: Yeah. It's what's visible.

Mr. Hutaff: Okay? So I think that it should be -- you're going to get a little disappointed if you want to replacement it, but if you wanna rehabilitate it, I think we're going to kinda be on your side.

Mr. Fredericksen: Well, and they're not representing --

Mr. Hutaff: Anybody.

Mr. Fredericksen: The engineers or anything. They're gathering information for the cultural impact assessment.

Mr. Hutaff: Sure. But they also kinda need to know that it is of historic value and that's also what they're asking for.

Mr. Fredericksen: Yeah.

Mr. Hutaff: Okay, and so just based upon what we know here as the Cultural Resources Commission, that's the way we're going to go and that's the way we're going to suggest you're going to go. Can we make that suggestion a demand? Okay? Right? So -- and

then with Elle, there's other things that are out there. As far as the walkways and safety, you know, side of it, I'd certainly like to see, you know, how, from history, what kind of things have happened there. In the pictures, I can see that somebody's definitely bumped up to those guardrails a few times, okay, but as far as people walking over the bridge, I don't think the walk over has to be part of that -- that bridge. It can actually be further down. But what I know about that bridge and where it is, it can be further down stream 50, 30 feet even and not even affect the visual impact of that road or 30 or 50 feet upwards because my understanding is there's really nothing up there from what I've seen ...(inaudible)... go in the bushes, I haven't been up there lately. Did that as a teenager but not lately. And I don't know what's down there. So I don't think that it's really going to be that big of a problem to rehabilitate that bridge and keep it intact and keep part of, you know, what we, as youngsters, grew up as and something to show, you know, the future. I mean you go H-1, H-3, that's what our grand kids are going to know. I wanna bring 'em to that bridge, okay. I wanna bring 'em to Hana, you know, and say this is old school. This old style. That's important. And so I think, culturally, visually significantly, and the fact that you can rehabilitate that bridge with not the whole cost replacement of that, I'm done. I've said my statements.

Mr. Fredericksen: Rhiannon?

Ms. Chandler: I think that --

Mr. Fredericksen: Stan, then Bruce, and Veronica.

Ms. Chandler: I think it refers back to what Makalapua's question was earlier, which is what is culture. Part of the culture of Honolua is the plantation time and this, for a lot of the plantation families, is a reminder of their childhood, and so I would just advise that in the course of interviewing people that you keep in the mind that, you know, whatever families may be still living in the area that are part of the plantation or if there's a plantation roster of families that lived in that area and maybe you can contact descendants, you know, some way. I've actually used plantation rosters before to look up family names and see if there's any existing family names in the phonebook or anything, you know, that's another way to make sure you get the input of the people that were -- that I would say have a emotional attachment to this area. I mean, obviously, we're not talking about traditional Hawaiian cultural impacts because, like Elle said earlier, those were made when the road went in, and what you're addressing here is just either the rehabilitation or refitting, you know, retrofitting part of -- of the bridge. I would take into account, I guess, basically, just the plantation history of the area.

Mr. Fredericksen: Bruce? Thanks, Rhiannon.

Mr. U`u: I like what she said earlier about all they're asking us for clarity is history about the area, correct? And is that all part --

Mr. Fredericksen: Well, and the structure itself too. They're doing a cultural impact assessment for the whole area --

Mr. U`u: Okay.

Mr. Fredericksen: About the project itself, but there's also the historical value, if you will, of the structure itself because it said whatever, rehabilitation/replacement.

Mr. U`u: Because it says, "The purpose of the rehabilitation/replacement project is to bring Honolulu Stream Bridge up to current State and Federal design standards." So if the standards are different from what is proposed, we have no project. Is that correct?

Mr. Fredericksen: The standards -- typically, engineering standards won't --

Mr. U`u: "State and Federal design."

Mr. Fredericksen: Yeah, they don't -- they don't recognize -- how can I put it? They don't recognize cultural value or just -- it's like --

Mr. U`u: I agree.

Mr. Fredericksen: The road to Hana, if Federal funds had been used following the exact Federal guidelines, like what Ray shared earlier, it would have -- everything would have been double wide bridges, concrete, you know, anywhere -- whatever you wanna call them, USA bridges. All the historic bridges would have been taken out.

Mr. U`u: So my question is: We still allowed to get the funding if we don't -- even if we don't build it to the specified design that they're asking for?

Mr. Fredericksen: It should be possible to think outside the box and pursue the funding or at least it should certainly be tried. The -- I would even argue that it might be, that corridor from Honolulu Bridge going over towards Kahakuloa is a scenic corridor that could possibly merit this, you know, under the -- what was it, Ray?

Mr. Hutaff: Millennium ...(inaudible)...

Mr. Fredericksen: Yeah. Under that program.

Mr. Hutaff: One highway in every state. So only one. But I think you could use it as a precedent ...(inaudible)...

Mr. Fredericksen: That's another --

Mr. Hutaff: That's another thing to try to get the --

Mr. Fredericksen: But that's recognized at a Federal level too.

Mr. Hutaff: Yeah. And Kahakuloa maybe because that's a pretty old village out there and it is -- I have seen it come up on some Federal registers as significant places.

Mr. Fredericksen: Did you have another comment for -- I'm sorry, I kinda got track and off.

Mr. U`u: No, just curious. Clarity.

Mr. Fredericksen: Okay. Veronica?

Ms. Marquez: Mine is really about terminology because a while back I asked why was that project deemed rehabilitation, and from someone's memory, and if I took my notes right, let me see if I got this right, if I can understand my writing, it's really rehabilitation is keeping the integrity of the outside and not necessarily the inside.

Mr. Solamillo: ...(inaudible)... rehabilitation is, I might define it or someone who's involved in the cultural resource management will define it and will be totally different from how an engineering defines rehabilitation for a bridge. Totally different.

Ms. Marquez: So, however, if this is what they're asking us to look at, and it can't be a replacement, how can it be a rehabilitation? I mean whose term do we use?

Mr. Hutaff: Why don't you pick the one you like.

Ms. Marquez: Okay, I know I'm being, you know -- but, you know, we're sitting here going, okay, we're asked to do this; we look at this document. To me, we already agreed it's not going to be replaced.

Mr. Hutaff: No.

Mr. Solamillo: No, you agree --

Ms. Marquez: No?

Mr. Solamillo: You agree that the bridge is significant from the Commission, what I have heard, you haven't acted on this or anything, the comments that I have heard is that the Members of the Commission feel that the bridge is significant, right, and should be retained. So I mean the Commission has every right to, you know, to vote on making that recommendation, and that's a recommendation you made. And they're here to -- they're here to collect information, you know, from people who live in West Maui --

Mr. Fredericksen: Yeah, which is --

Mr. Solamillo: You know, or from people who work --

Mr. Fredericksen: And that's a related -- it's an issue but --

Mr. Solamillo: And that's related to the cultural impact assessment.

Mr. Fredericksen: But, from our point of view as a Commission, Stanley, we can go ahead and make a comment on what we view the bridge as at this point, which because it is early on in the planning process, the DOT can take that and work -- start working at it from that point of view in exploring options. Any other questions? Any suggestions per community members in that area, Honolua area, that -- it sounds like they've reached out a fair amount but if anybody knows any folks over there that might be --

Ms. Kanuha: Yeah, cause I know that the Ka`aihui are still -- the family members, so those are the families that lived in that area so I know Lanakila is another person that they probably reach out and talk to, Donna Blevans.

Ms. Cordova: Lanakila. Is that a last name?

Ms. Kanuha: No, no, no. That's her Hawaiian name. Her name is Donna Blevans, and she actually is a caretaker of the heiau that's right across the highway --

Mr. Fredericksen: On the mauka --

Ms. Kanuha: On the other -- yeah, on the mauka side, on the other turn though.

Ms. Cordova: Honoaula?

Ms. Kanuha: Honoaula is -- no. Honolua. Cause this is like when you coming down, and then there's another turn, and then this like the second turn to go over the bridge, and then it goes up the hill.

Ms. Cordova: Just mauka of the bridge?

Ms. Kanuha: Yeah.

Ms. Cordova: That's Honoaula.

Ms. Kanuha. Yeah.

Mr. Fredericksen: Right at Honolua Valley ...(inaudible)...

Ms. Kanuha: Yeah, she's --

Ms. Cordova: Right.

Ms. Kanuha: The caretaker of the heiau. Get the Kaina family that was raised over there, that's Aunty Orpha. They actually live at Napilihau so I don't know if you were able to speak to some of our kupuna from Honolua.

Ms. Dagan: We've been trying.

Ms. Cordova: We --

Ms. Dagan: We've called them several times.

Ms. Kanuha: And they didn't return your call?

Ms. Cordova: I spoke with Ceila Kaina.

Ms. Kanuha: Okay, Ceila. Yes, that's Aunty Orpha's daughter.

Ms. Cordova: And then -- right. And we're trying to setup an interview with Orpha Kaina.

Ms. Kanuha: Okay. Okay. Good.

Mr. Fredericksen: Thanks, Makalapua.

Ms. Kanuha: You're welcome.

Mr. Fredericksen: Any other comments? Let's see, no further questions so let's see if there's anybody who has - from the audience - that wants to testify on this -- this item. Anyone? Yes, come forward and state your name.

Mr. Ramon Madden: Thank you. My name is Ramon Madden and I just wanted to speak about the bridge, just real short, and this is just because I've attended four meetings in

West Maui about this bridge, and I've had a chance to talk to a lot of people who care a lot about it. Two things just bring me to the forefront that you haven't really -- that I didn't hear that you covered in this meeting so far and that's, number one, is the -- a lot the concern over the bridge is fear based. People who live in that area are afraid that it's a signal of over-development. I've heard a comment that the reason why they wanna widen the bridge is because so they can bring the bigger construction trucks for the next project - to bring that through, and so that's something that people are worried about. The second thing is speeding. The reason why there's dents on either side of the bridge is because people try to drive as fast as they can going around that turn; widening the bridge would just let them drive faster, whereas how it is now, they actually have to slow down and be careful. So I just wanted to bring up those two things and that's all. Thanks for your time.

Mr. Fredericksen: Thank you. Anyone else? Okay, let's see, Commission Members, we wanna entertain a motion about saying something about, you know, we feel the bridge has merit to be rehabilitated rather than just replaced. Does someone wanna make a motion along those lines?

Mr. Hutaff: I'll try to make one.

Mr. Fredericksen: I mean if we feel that way.

Mr. Hutaff: I move that we make a comment to those here today that the Cultural Resources Commission is inclined to see the bridge rehabilitated and not replaced based upon the cultural significance of how that bridge was used in the last 50 years and what it means to the tenants and the residents of that area.

Mr. Osako: I second.

Mr. Fredericksen: Okay. So we have a motion.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. Hutaff, seconded by Mr. Osako, then unanimously

VOTED: to make a comment that the Cultural Resources Commission is inclined to see the bridge rehabilitated and not replaced based upon the cultural significance of how that bridge was used in the last 50 years and what it means to the tenants and the residents of that area.

Mr. Fredericksen: Okay, so the motion carries. I just might note that the bridge was built in '24 so it's way over 50 years at this point. Okay, that's good, and thanks folks. Best of luck on tracking down some more input but you know where the CRC stands on it - rehabilitation rather than replacement. Thanks. Okay, Stanley, item 4.

Mr. Solamillo read the following item description into the record:

- 4. MR. KIMO FALCONER on behalf of MAUI GROWN COFFEE, requesting approval for an addition to the former Pioneer Mill Office/Store located at 227 Lahainaluna Road, TMK (2) 4-5-009:007, Lahaina, Maui. The CRC may comment and provide recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Any one of us who's familiar with Lahaina will recognize this building. It's a really important building and surprisingly it has been around Lahaina since 1905. Some of our earliest photographs show it on the -- the south side of Lahainaluna Road, and this was the original Pioneer Mill Office and also company store. In a Sanborn Map at the left of the screen, the first arrow indicates where the mill was; the second arrow indicates where this office building was, which was on the other side of a ladder for railroad cars, and then a third arrow at the top of the Sanborn Map indicates where the Pioneer Mill Office of 1910, which is the concrete building that stands at 380 Lahainaluna Road. When it was finished, it had a wrap around porch or lanai, it had a hipped roof with a widow's walk on top, and it probably has some of the most ornate window treatments that still remains in Lahaina. Later photographs that were taken probably within a couple of years show it leaning across cane fields probably from the northwest. This is before Pioneer Mill went through some pretty significant changes to its factory. This is another view taken during the same few years showing where it was located. This is a 1936 map of Lahaina showing all of the properties owned by Pioneer Mill as well as their field designations and the locations of camps, and the orange arrow locates a move across the street, still on the makai side of the railroad tracks or ladder, and then opposite a church, which was built at its former location. This is a shot from the 1960s showing the location of the office. And so from at least 1930, we know that this building has been at this location.

Unfortunately, through time, buildings change, and this building is no less an example of that. Part of the wrap around porch or lanai was removed so you will only had a portion on it on two sides of the building, and then additions were made to the north side of it. So, currently, you have two sides of the building with the porch. Then the location of the former porch has been -- on the third side has been enclosed with an addition. Fenestration has been changed but it's all period connected so I've got probably additions which were made during the '20s or '30s. These are art glass, multi-light windows. I think there was one, two, three, four, five, six or seven lights each, and then the traditionally two-over-two

windows. And also because of the heat gain from the west side, there has been awnings which have been built as well. The original window treatment for this would be the pedimented windows with two-over-two wood sash.

In this case, the applicant came in and said he wanted to do an addition to expand room for the coffee business because the building, I believe, was at least vacant for six or seven years, and originally when the applicant came in, he wanted to put it on the mauka side of the building, which would have been really visible from the public right-of-way. We talked at some length about it and the recommendation at that point was made to try and make the addition less visible from the public right-of-way, so the applicant changed sides for the location for this addition, and it will impact this side of the building.

Mr. Fredericksen: And, Stanley, just to be clear, that's the side that's not visible from --

Mr. Solamillo: Well, it's visible but not as -- it's not the prominent facade or the prominent facade that you see off of Lahainaluna. When you come down, you pretty much have almost tunnel vision when you're coming down or going up Lahainaluna Road, so the most prominent facade is the one in black and white and then that corner. So as long as you see an open porch or lanai on those two corners, then it's less visible. But if you drove onto the property or looked specifically for it, I mean you would see it. So it's not completely out of the public right-of-way. At this point, I'll probably ask the applicant, Kimo Falconer, to come and talk about it. This building is eligible for listing to the National Register of Historic Places, even though it has been moved, even though it has additions which have been to it. It was the site of the 1905 strike and is specifically mentioned as the location where Pioneer Mill workers collected and also began stoning and breaking the windows of Pioneer Mill as well as this building. It is probably, because of that event, it is probably the reason why Pioneer Mill built the concrete office further up Lahainaluna Road in 1910. So it's a building with a long history. Kimo?

Mr. Kimo Falconer: Good afternoon, Commissioners. I'm Kimo Falconer. I also have a long history with this building. I used to work with Pioneer Mill from '79 in different jobs, started as harvesting supervisor; ended up as general manager when it shutdown in 1999. Tricky thing about the building, you know. It's interesting when they went in and shut and closed the actual -- I mean not close it, but when they demolished the mill itself back in -- started in 2005, this building was actually supposed to be torn down, and I was well on my way to rehabing the coffee thing and looking for another spot, so we were able to actually kinda save it from the demolition. And so, in 2006, we opened this company store in this place; did the complete, you know, it was in bad shape, restoration of it. We tried to get it as close as possible inside and out. At the time, the widow's walk -- actually, the widow's walk hasn't been on there for probably 30 years. I don't know. In my memory. Even my mother's memory. She doesn't remember having it up, but the old pictures, you know, prove that it was there. So we just put that on this year, the new widow's walk, so we kinda

feel like it's back to where it was. The business itself is, you know, I'm one of the few growers, the few farmers left on the west side, and we got a growing business, and the building itself is kinda bursting at the seams so we wanted to do a little something on the side and we tried to take consideration of the fact that I don't wanna impact the building. The only thing that's going to impact would be the front deck, which would probably extend out about 15 feet or so, and part of that roof line, but what it doesn't show in this particular rendering is that the building itself isn't really going to connect the buildings, so there's not going to be any wall changes. The actual eave of the building that goes back along that wall will not connect. So just the front deck and that one little portion of the roof line will change just a hair, but we really try real hard to try not make it impact the building itself. We're going to use the same materials. We try to do the double-hung windows. You know, the building -- the roof itself has changed materials probably a dozen times in its life. The current roof that's there now was replaced in about 1996 by the plantation carpenter.

So, I mean we're pretty proud of it and we wanna keep it there. We think that the structure integrity of this building is amazing; hardly any termite damage. It's just built like a tank so it's great that we're able to save it and we wanna ...(inaudible)...

Mr. Fredericksen: Excuse me, Kimo? Was this -- you think the lumber was floated, floated ashore?

Mr. Falconer: I think -- I don't know. You know, about the same time that the Pioneer Inn was built, this was about the same period this was built. But this isn't the kinda -- if you look at the siding, it's redwood - I don't know what they call that - anyway, it's a specific type of TNG with the overlapping. It's hard -- you have to mill it to create, which we wanna try to do when we replace it, I mean not replace it, when we put the addition on, we wanna try to replicate that as much as possible by milling the -- finding the materials to do it right.

You know, I was on this Commission for five years and, with Erik, and it hadn't been for that experience, I probably wouldn't have recognized the importance of trying to restore or, you know, save such a valuable piece for Lahaina's history. It's on Lahainaluna Road. It's a pathway to the, you know, the high school and, you know, long history of Lahaina, and so restoring it, and there's a lot of other buildings are being restored, and it's great to see other people walking forward to this Commission say we're changing this, we're going to restore this building. In my day on this Commission, it was the other day around, giving demolition permits. Anyways, so if any questions, I'm here to answer those. You know, again, thank you for volunteering and --

Mr. Fredericksen: Any questions? Questions, comments on this? Ray?

Mr. Hutaff: Just to go over thing. The new part you're going to put on is not really going to be connected to the old part?

Mr. Falconer: The only part that's going to be connected is the deck itself and we're going to try to keep it so that it's just -- it abuts up to it and there's not going to be any -- we're not going to be carrying anything off of the old building. Post and pier - there will be no subsurface, you know -- we're not going to be putting plumbing in or -- pretty simple.

Ms. Sarich: When you said you were making changes to the lanai, you just mean adding on that 15 feet?

Mr. Falconer: Basically, yeah.

Ms. Sarich: You're not changing the existing ...(inaudible)...

Mr. Falconer: No. It's going to be identical. We're just going to try to just stretch it out a bit. It's just going to be a little bit more square footage to -- we wanna put a ...(inaudible)...

Mr. Fredericksen: So you can access the addition.

Mr. Falconer: Yeah. Yeah, so we can get to it. You know, just simple.

Ms. Sarich: ...(inaudible)...

Mr. Fredericksen: Sure. Yeah. Go ahead. Sorry, Brandis.

Ms. Sarich: My -- what I would like to see is some kind of delineation instead the materials being so perfect there's no way to tell that that's not an addition -- I mean that can be accomplished in a lot of different ways, but I just -- I would like the history of this addition to be somewhat evident and so --

Mr. Fredericksen: Just kind of a little off -- off the wall thought. How about a plaque on the addition saying coffee roasting whatever 2010?

Ms. Sarich: Yeah.

Mr. Fredericksen: Something like that?

Ms. Sarich: Anything like that. And anything -- even a trim board can be the delineation point, but I just would not want people to think that was the original building, which is really easy to do.

Mr. Falconer: In these drawings --

Ms. Sarich: Cause you've restored this so well.

Mr. Falconer: Yeah, I agree.

Ms. Sarich: Yeah.

Mr. Falconer: In the drawings, which doesn't really show it, it's -- it kinda shows that it's -- it's actually attached. It is kind of attached, but it's -- they're actually two separate buildings, but we really try to limit the spots that would actually impact the building itself. But, yeah, that's a good -- good suggestion.

Mr. Fredericksen: Any other comments, questions? I, again, will make a comment, like Kimo pointed out, he and I were on the Commission, it's been quite a while back now, but it was very interesting because, at that point in time, it was all about, when it was about an old building, it was about demolition almost all the time, and it's real nice to see these coming in with rehabilitation and, hey, let's use what's here instead of just tear it down.

Mr. Falconer: You know, and we were also lucky to secure some of these photos from Lahaina Restoration and it shows the period of this building. It's gone through so many different changes, you know, across the road, and it got moved across this, and then there was a deck that went all the way around it, and now that whole thing's chopped off, that's probably from when it moved from across the road. I guess they had like a canteen or something, you know, where they could feed the employees. So it's got a lot of history with the plantation, way back. Pretty interesting stuff. Actually, the history didn't even come out until we started, you know, working on it, and it was like almost lost all this information.

Mr. Fredericksen: Any other comments? Brandis.

Ms. Sarich: So I really like how you separated the building with the open air of the hallways so it becomes really obvious from that side, and then just, maybe I'm not oriented well enough, but the lanai that's getting connected, is that the street side or that's on the side? Is it kind of hidden?

Mr. Falconer: No, it's on the smokestack side. It's actually --

Mr. Fredericksen: From the opposite side of the street.

Mr. Falconer: It wouldn't be facing Lahainaluna; it's actually facing mauka.

Ms. Sarich: Okay. And then it wouldn't be practical to keep your roof totally separate?

Mr. Falconer: Yeah. I mean -- well, I see what you're saying. Well, it's that overhang or that branded deck that kinda goes out there. It's kind of a balance situation. If you look at it, it -- we were trying to keep it a covered deck, but at the same time, trying to keep two

buildings and show that there was a separation, and it was kind of a conflict. But I mean it could -- I mean, I'm not an architect so I don't know how you resolve something like that.

Ms. Sarich: No, I'm just trying to understand because I mean, of course, I think I'd rather have it not touch --

Mr. Falconer: I agree.

Ms. Sarich: But I understand your reasons to wanna do it, and I mean, obviously, you guys have put a ton of thought into this.

Mr. Falconer: Yeah, there's a small space there that really don't a usable -- it's kind of in between, well it doesn't show here, there's an area there that -- there's a walkway and it's pretty tight, but I think it can work, make it work, which actually going to help a lot.

Ms. Sarich: Yeah. I mean I would just like to hear Stanley's take on it and then -- well, I'm just concerned about attaching them.

Mr. Solamillo: I think the first thing to be concerned about is matching materials. It might be better to change materials. If we look at the few buildings that remain in Lahaina that date from 1905 to 1910, they all have pedimented windows, right? So the window trim is very different from the plantation period of the '20s where you get the flat board. So in doing probably the window trims and the door trims, they should be done, you know, the way they do them today. But I'm so opposed to -- to having the addition put on. Probably, if I were to be asked for my preference, I would love to have seen the porch actually run around so that when I look at it from the front, it looks like it does in all the pictures, but that's more costly. So those are probably the only things that I would comment on at this point. He's indicated that, in doing the addition, he's not removing any of the original materials off the walls, so I'm presuming that due care will be taken just as the rest of the building has been done.

Mr. Fredericksen: And so, Stan -- just a second, Ray. Now, are those recommendations or --

Mr. Solamillo: You could take them as recommendations.

Mr. Fredericksen: Okay.

Mr. Solamillo: It's up to the Commission. Ray? Sorry.

Mr. Hutaff: No, no problem. This is very interesting for me because, generally, what's happening is we're trying to encourage somebody to make a building look like it used to,

okay. You've already kinda done that sorta, and now you wanna make your addition to look like the old building like it used to, and so it's kinda like a new concept for me to sit back and say, well, wait a minute now. We wanna keep it historically valuable, obviously. We can see the need. If we can help you, again, maybe more people will be inclined to do that even with non-historical places. So my personal opinion is if you're going to kinda make it look like it's the -- of the same time period against what you bought, okay. I really think that's a new concept and since I don't have any new rules in my head, I'll go along with that one.

Mr. Falconer: No, I'm here to take comments. I mean we can work on any of those things, even the change in materials to make it look like it was not part of the original. It is a new concept.

Mr. Fredericksen: Brandis, I've got a question for you. In a situation like this where, I don't know, aesthetically it may look nicer to have it so it appears like it's all part of it's the same building but having some way of identifying what the addition is, maybe a plaque. Is that something that's --

Ms. Sarich: It can be much more subtle than that. I think that it just needs to be delineated somehow, like if the siding's seamlessly integrated, you kind of wonder, like the roof form is so different from the historical building, and that building is really tight the way that it was designed, it's really special, and then adding the single story on, it's very different. So I think just like the house on Front Street we were looking at, it's pretty obvious looking at that house when they added the shed, when they added that on, and that -- it's very valuable to see that. So I would just like to somehow, and that's up to your architect, figure out a way to tell that story, and it can be with materials or with a trim board or with a plaque, whatever it is, just a way so that it is obvious, and it's done very well from the other side. It's just I understand why business-wise you want the lanai to go around.

Mr. Falconer: Yeah, anybody that's been around plantation houses, you know, working -- a lot of employees, managers came from different plantations -- why you're going to change this or something changed and they put a new building or -- it's amazing how these buildings went through these transformations over, you know, 50, 60 years. This is no exception. This was -- you can look and see where they added this extra room on the side. That was part of the deck, that third side right there, and that happened who knows when. If you go inside, it's a really strange building. If you go inside that roof area, there's a whole room up there that has stair steps to go up to window's walk inside. It's really --

Mr. Fredericksen: Brandis, what do you think would be the best way to delineate it from an architectural point of view?

Ms. Sarich: I would be happy with a vertical trim board or some break in your siding that indicated this is kind of the end of the old -- the old wall and this is the beginning of the new, and it could also be a break in the floor of the lanai, and it could be so subtle that most people - I don't know if they would notice - but for someone like me who would show up, I would get it. Yeah.

Mr. Falconer: If you could put that in the conditions, that would be great.

Ms. Marquez: Okay, it must be me, cause I thought I got it but the more discussion, and then I think I lost it. Okay. The end result of all this mana`o would -- wouldn't that be to maintain the integrity of the outside of this historical place? That's yes or no. Yes?

Mr. Falconer: Yes. Absolutely.

Ms. Marquez: So, and no offense to anybody, so it's the way my brain thinks and it's kind of warped sometimes, so why then would we want to delineate the old from the new when they're supposed to blend in? I don't understand that. Don't we want the entire, I hope I'm saying the right word, "building" to appear and look the same? Stanley is smiling. Keep smiling Stanley. Help me understand.

Mr. Solamillo: Okay, I gave you the addition. The preservation brief, right? And in the additions, you can use like materials, right, but we're talking about integrating a new use or an expansion cause buildings never stay static - they grow and they change - but because it is a historic building, you wanna keep the old building identifiably unique and different from the new. So even if you're doing similar roof forms or similar windows or fenestration or similar siding materials, it's best to make sure that you can tell that one is an addition and one is not. If I do a brick -- a brick addition to a brick house, you know, it'll be brick but it'll be different, right? So they suggest, the National Park Service suggest that when you do additions to buildings, to old buildings, that you make an effort to delineate between what's old and original and what's new; same thing with putting in new buildings in historic districts, that you differentiate new construction from old construction. So it's just the philosophy of the Park Service.

Ms. Marquez: Thank you.

Mr. Fredericksen: Yeah, Bruce?

Mr. U`u: I notice that it's horizontal siding. When did that come on? It states in 1901. It's very rare for me to see horizontal redwood siding.

Mr. Solamillo: That specific type of siding, that stuff, you can go back to Louisiana. They were using in 1850s, '40s. It's amazing. Because this stuff is really thick. It's like 2 inches thick, so it's like wholly cow. I went to look at it and I was like whoa.

Mr. U`u: I've never seen -- that's nice.

Mr. Fredericksen: Yeah ...(inaudible)...

Mr. Falconer: It's all hand-milled, you know, I mean ...(inaudible)...

Mr. U`u: So you're going to follow that same --

Mr. Falconer: I'm going to, you know, work on it.

Mr. U`u: That's a lot of money.

Mr. Falconer: Well, it's not a big deal, or the addition isn't that big of a deal, but it's -- you know, we might be stepping up a little ways but I mean the ...(inaudible)... the visual aspect, what we can do to make it ...(inaudible)...

Mr. U`u: I like that. No, I like that. Thank you.

Mr. Falconer: ...(inaudible)... I hope you have to do more of this ...(inaudible)...

Mr. Fredericksen: Yeah.

Mr. Hutaff: Well, even the -- even from the commercial side of it, it'll be a standout, and that's really the definition of "location, location, location." It's something that stands out. So by expanding that and keeping it the way it and having it be different from every place else as a commercial entity, that's smart business.

Mr. Falconer: Well, I tell you, this isn't the best place for walk up traffic.

Mr. Hutaff: No.

Mr. Falconer: It's -- but because it's funky and old and it's really been a -- been a good point for us. It works to our benefit.

Ms. Kanuha: Well, I pass it every day, and it looks great, so thanks, Kimo.

Mr. Fredericksen: Any other -- any questions or comments? Okay, thanks, Kimo. Anybody from audience wanna testify on this? Okay, Stanley, come back up on this. Now, this is advisory?

Mr. Solamillo: Advisory.

Mr. Fredericksen: Advisory. We need a motion or --

Mr. Solamillo: We need to make recommendations so we have recommendations from Commissioner Sarich -- cause this is a very important building.

Mr. Fredericksen: Right. Yeah.

Mr. Solamillo: It's like the standing resources from Pioneer Mill right now are the smokestack, the Pioneer Mill Office, which is on the National Register, and this particular building on Lahainaluna Road. So from 30 -- I believe it was 35 buildings that went -- went to demolition - 34, since this one didn't make it, 34 in 2005. So this is all that remains of Pioneer Mill. So maybe we'll let Commissioner Sarich lead with the recommendations.

Ms. Sarich: Well, I would recommend that their architects figure a creative way to delineate the new addition to the historic building, and I also am very happy that they're not touching the historic structure.

Mr. Fredericksen: Yeah, it's great.

Mr. Solamillo: Any other?

Mr. Fredericksen: I like these. Hope we have more. Any other recommendations?

Mr. U`u: Second.

Mr. Solamillo: A man of few words. I'll probably offer -- I'd like to extend again the -- applaud the owners for taking the path that they've taken.

Mr. Fredericksen: No, it's -- I completely agree. It's a really nice building and it's in great condition for something that age.

Mr. Solamillo: Do we have a second? Or we did it?

Mr. Fredericksen: We gotta do a motion?

Mr. Solamillo: Okay.

Mr. Fredericksen: You wanna craft a motion?

Ms. Sarich: Oh, was mine the motion - the recommendation?

Mr. Fredericksen: No, there was -- there was a --

Ms. Sarich: Yeah, that was just my recommendation.

Mr. Fredericksen: Yeah. We wanna do a motion in support of --

Mr. U`u: Motion to support what our fellow Commissioner said.

Mr. Giroux: Well, if you really wanna do a motion, just do a motion to approve and adopt the recommendation as stated.

Mr. Fredericksen: Yeah. Thank you, James.

Mr. U`u: Motion to approve.

Ms. Marquez: Second.

Mr. Fredericksen: Okay, all those -- with recommendations from Commissioner Sarich.

There being no further discussion, the motion was put to a vote.

It has been moved by Mr. U`u, seconded by Ms. Marquez, then unanimously

VOTED: to approve and adopt the recommendation as stated.

Mr. Fredericksen: It carries unanimously. Thanks. Good luck, Kimo.

Mr. Solamillo: Okay, now we get to do the far end of this type of work. This is an adaptive reuse of a plantation vernacular house.

Mr. Solamillo read the following item description into the record:

- 5. MS. LINDA LANG on behalf of OLOWALU ELUA ASSOCIATES, requesting review and comment on a proposed adaptive re-use of a plantation dwelling located at 810 Olowalu Village Road, TMK (2) 4-8-003:043, Lahaina, Maui. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Okay, today we've been blessed with getting applicants who want to do something besides demolition, so this is at the far end of building reuse and it's called "adaptive reuse." This is located in Olowalu, and Olowalu is a very special place and also a commercially viable place, and it's been that way for some years. The blurb on the internet, which describes it says, "Located just south of Lahaina, in the town of Olowalu, rest the Olowalu Plantation House. This was once the manager's home for the former West Maui Sugar Company. When you enter the vast estate, you will note several charming bungalows, which once served as housing for plantation workers. Olowalu is largest private beachfront event location on Maui and it is able to accommodate over 100 guests. A lovely three-bedroom, two-bathroom restored home is available to you and to your party."

If we go back in time, and we actually look at Olowalu, which was an independent sugar company until 1930, when we had the affects of the great depression hit Maui and Olowalu Sugar Company was acquired by Pioneer Mill, it's kind of a little bit different and we also noticed that there's significant changes that occur here. The mill was dismantled and all the machinery was sold to a company and it was shipped to the Phillippines. A number of the houses - its worker population actually was reduced - a number of the houses were moved to Lahaina, and the houses that we see that were in existence say probably 1950s or '60s, from this shot, most of them are gone now and we may have a few of them, but I haven't been able to conduct enough research on this plantation site to see what's there; what's not. It appears that the house that has been restored might have been moved there because of the house that is identified as the division manager's house, which is shown by an arrow, is a different house than what's there today. So like I said, I can't tell you until we get into more significant research.

It's a very historical place, and the cottages that are south of the former division manager's house location are still standing today but in varying degrees of condition. They've all been somewhat changed over time. So the house that we're looking at probably today is the one with the arrow. You can still see that the landing that they used to load out sugar on. It appears to have had some changes to it over the last 20 years or so, so, you know, changes probably to the roof configuration. It's a simple house. It would have been an HSPA cottage for one family, which would have been a plan type that was adopted after 1921 when the Territorial Board of Health approved plantation housing for production on all plantations in Hawaii. It has your standard tongue and groove vertical board siding, six over six windows, and there's various degrees of deterioration.

In the case of this particular project, this is kind of a real change from what it is now to a new use. There are two outbuildings, which are located nearby, and the plan here or at least the proposed project is to build a large lanai and then connect it to the two outbuildings and then expand the floor or the square footage and floor area of the entire house, so it becomes something that it never was, probably more palatial and that's why

this one is specifically coming because it's -- I think it was either -- we either tear it down or, you know, we do something with the house. So it's another reuse of the building. It's not turning it into a period from which it never came from or it was never produced from, but it is turning it into something that it never was. So this one this Commission gets to wrestle with because, again, we're dealing with a different mentality today and it's good because, at some point, because of the constant lost every year, we begin to see these buildings as resources. The question is or the one that's before you, as this Commission, is we've got a resource built in 1924, a common plan type at the time, not so common today, but of all the plantation housing that you see across the island, this one is probably the most identifiable, it's probably the most numerous, and the question before you today is, you know, shall we allow adaptive reuse to go even further than what we looked at in the last two examples, and can we take it this far? Okay.

The applicant, unfortunately, is out of the country so you get to fire your questions at me.

Mr. Fredericksen: Any questions for Stanley?

Ms. Sarich: Me, of course. Anybody else?

Mr. Hutaff: I have.

Ms. Sarich: Okay.

Mr. Hutaff: Basically, they wanna restore the building with a couple of modifications.

Mr. Solamillo: Well, I wouldn't call it restoration. I mean locate the exterior envelope, but they're actually changing the look because it becomes much larger, right? All of a sudden I'm taking in two outbuildings, I'm giving you a big lanai, and it becomes something different.

Mr. Fredericksen: How big --

Mr. Solamillo: The resource is located at the core.

Mr. Fredericksen: How big, qualitatively, is the lanai?

Mr. Solamillo: I have no idea. I don't have a scale.

Ms. Sarich: Do we have the other elevations or just this one?

Mr. Solamillo: That's all we have.

Ms. Sarich. Okay.

Mr. Solamillo: Yeah.

Ms. Sarich: And are they going to leave the existing siding or they're redoing everything?

Mr. Solamillo: They'll remove the siding, which has probably termite damage to it, so they'll keep -- they'll keep windows.

Ms. Sarich: Are they going to keep it single wall?

Mr. Solamillo: I don't know. I would doubt it. It looks like they're --

Mr. Hutaff: They're going with double.

Mr. Solamillo: So remember the Kaluakini house in Lahaina, they did the double wall as well. They brought it in. The architectural designer for the project has worked on other buildings on this parcel, so the quality of her workmanship is quite good.

Ms. Sarich: I mean it's very picturesque.

Mr. Solamillo: Right.

Ms. Sarich: Yeah, it just changes a little --

Mr. Solamillo: It just isn't what --

Ms. Sarich: Little thing to a really grand thing, but it's still very nice.

Mr. U`u: I agree.

Mr. Sarich: Yeah.

Mr. Fredericksen: Bruce?

Mr. U`u: No, I'd just like to say that I know they altering the look but they, at the same time, keeping the look, and, you know, I don't know, at what point do we say, as a Commission, that we have a right over the owner's rights? So it's something we have to balance.

Mr. Hutaff: We don't have any rights. It's comments.

Mr. Fredericksen: I think it's, as what Stanley said, it's getting kind of to the far side but, you know, like you just said, they're choosing -- they'll keep the structures and restore them to some extent, you know. It is being changed by adding the big lanai and stuff, but still the structures are being kept and reused so that, to me, that's better than demolition.

Mr. U`u: And it's still the blend of the -- that look and feel of -- my question is, and somebody said that the additions is going wider, what is the maximum build out that this person, the owner can possibly have, and what is it being done as we speak so we can kinda see at what point do we say it's too big, it's too small, or, you know, you get one maximum coverage? For any square-foot house, you pay for zoning. You have that right.

Mr. Fredericksen: How big is the parcel its on ...(inaudible)...

Mr. U`u: And adding your setbacks.

Mr. Fredericksen: Stanley, do you -- can you speak to that?

Mr. Solamillo: I mean I'm sure that Ms. Lange has designed to stay within the setbacks as well as to, you know, not exceed the floor area ratio allowed for this particular parcel, but I couldn't tell you at the top of my head.

Mr. U`u: Cause I don't see the lot.

Ms. Sarich: Oh, it's here.

Mr. U`u: It's here?

Ms. Sarich: It's huge.

Mr. U`u: The lot is huge?

Ms. Sarich: Yeah.

Mr. Fredericksen: Okay, so it's not anywhere near ...(inaudible)...

Ms. Sarich: And it's also hidden. I mean this isn't something that people can see unless you're at the property.

Mr. Solamillo: Right, I mean --

Mr. Hutaff: Today.

Ms. Sarich: That's true.

Mr. Solamillo: Yeah, that's why you don't ...(inaudible)... photographs.

Mr. Hutaff: It is going to change.

Ms. Sarich: It is?

Mr. Hutaff: Oh yeah. Big time. That will be opened up, maybe not by their doing, but you'll definitely be able to see it. You won't be able to see it from the highway, sort to speak, but you'll be able to ...(inaudible)... you know, it's kinda strange cause just a little while ago we said sure. Now we're saying -- we're asked to, you know, to say, well, maybe sure has to have a limitation and does this have a limitation. We never thought about that earlier with the other one.

Mr. Chandler: Chair?

Mr. Fredericksen: Yeah, sorry, Rhiannon.

Ms. Chandler: Stan, my question is you said that this is among one of the most numerous styles of plantation buildings?

Mr. Solamillo: Yeah, this is the HSPA cottage for one family. It's very -- I mean it's identifiable. All around Wailuku you still see them.

Ms. Chandler: That was my question.

Mr. Solamillo: You can still see them in Lahaina. You can still see a variation on -- in Lana'i City.

Mr. Fredericksen: It's kind of a -- it's kind of like a ...(inaudible)...

Mr. Solamillo: Yeah, I mean it's still on Kauai, right? It's still around. So it's the most -- it's by far the most common and the most widely produced during the '20s and '30s.

Mr. Fredericksen: Like Hicks Homes in the '60s?

Mr. Solamillo: Well, I wouldn't go that far.

Ms. Chandler: So it wouldn't require any kind of architectural sketch or anything? It's not -- we're not looking at a building that is the last of a certain --

Mr. Solamillo: No, I mean I wouldn't describe this -- because, remember, going back to when we started the meeting today, I went through the eligibility, remember, and that's what really steers everything. You know, can I take that individual building and say, okay, is it eligible individually for listing on the National Register? Well, no. Right? So based on that, you can allow a certain amount of latitude whereas --

Mr. Fredericksen: Right.

Mr. Solamillo: When you're dealing with the one we just looked at, which was in 1905, and that's it, you know, and there's so much, you know, involved with that particular building, you know, it has to be different.

Mr. Fredericksen: Go ahead. Ray?

Mr. Hutaff: Yeah, you know, I just had a strange thought again. You know, this has an old style look to it and they're going to extend it and make it a little bit different as far as the floor plan goes to that old style look, if every -- if one out of three people that came to build a house took on the concept that they would like to build a house that looked like it was from the '20s and the '30s, we'd have really cool island. I think this one's one of those that, yeah, why don't we encourage them, not encourage them, but not discourage them and say sure, just based upon that.

Mr. Fredericksen: And as Stanley pointed out, this is not -- it's not a super unique building.

Mr. Hutaff: Right.

Mr. Fredericksen: And so it's not eligible for the National Register.

Mr. Solamillo: Individually.

Mr. Fredericksen: Yeah, individually. So I think it's -- I mean, yeah, maybe it's kinda going pretty far to one side but still, to me, it's better than demolishing the structures and putting something else there.

Mr. Hutaff: Who knows, somebody may come into that area and say I want a house built just like that and, all of a sudden, you got a real cool thing going on. Right?

Mr. Fredericksen: Any other comments, questions?

Ms. Sarich: I think it's really nice and I'm glad to see them reusing the old structures.

Mr. Fredericksen: Yeah, I mean the structures is not getting torn down and so --

Ms. Sarich: Of course, my thing is I would love to see the story told again, but I think that the architecture actually delineates it pretty well, the porch, the addition that combines everything.

Mr. Fredericksen: Because that'll be obvious that it's -- that's an addition as it were or something.

Ms. Sarich: I don't know. She did a really good job. But I mean if you know the standard plan, you can probably be able to pick that out and see the additions to it. Yeah.

Ms. Marquez: So when you add on an extended arch or rail or what have you, is that an addition, or is an addition a separate structure? Help me understand. You're the architect.

Ms. Sarich: That's an addition, like you add a porch.

Ms. Marquez: Cause I'm trying to think of that -- just this project we just pau talk about, and then this project we are now talking about ...(inaudible)... okay, so the other one was they're going to add a building that's not connected to the original. That's called an "addition?"

Ms. Sarich: Well, they're adding -- it is connected. A little bit connected.

Ms. Marquez: A little bit ...(inaudible)...

Ms. Sarich: And that was the only place that was a matter of discussion.

Ms. Marquez: Okay, and then when they take this, the now thing, this one here, and they're going to add I guess this extended porch - that's an addition? This is also deemed an addition?

Ms. Sarich: I would think so. Yeah.

Ms. Marquez: And so, for the other one, we wanted it delineated from the old and the new, and this one, what do we want?

Ms. Sarich: Well, I mean I still like that that story can be figured out from this, but the plan itself tells that story because there's the existing, and the existing, and then they've added this porch between, and that's how they're going to combine them so --

Ms. Marquez: So that's your form of delineation?

Ms. Sarich: Yeah.

Ms. Marquez: But it's -- it all looks the same?

Ms. Sarich: Well, except for the -- you can still see that they were separate buildings and that they've added this porch.

Mr. Fredericksen: The building is not moving or anything; they're just -- it's just connected by that.

Ms. Marquez: I'm just trying to ...(inaudible)...

Ms. Sarich: My issue with the last one was that we were going to get one long wall and one long lanai, and if they were totally integrated, you have no way to know that these were actually added on.

Ms. Marquez: And yet this one without delineating we know?

Ms. Sarich: Well, it is delineated because the buildings aren't even touching. We're not splicing new into old here. We're adding -- we're adding a porch onto it. It's the way I see it.

Mr. Hutaff: I know how to answer her question.

Ms. Marquez: You do?

Mr. Hutaff: I've been to Molokai during the rainy days. That's how I know, okay. One way is you got three houses, right? Okay. The way this guy is going to do it here is like taking one gangplank and connecting it to each house, so you're not really enclosing anything and you're not really building any wall, and actually they have a whole bunch of gangplanks in order to make a lanai. But if you're thinking in your mind, it's more like one single -- you're not really, you know, making a new building out of it or a new entity out of it, you're connecting the buildings. Whereas, this other one that the guy -- what we had before, okay, no need planks to go in between the building because the flood go underneath the house, it's gotta go between. Now you get 'um?

Ms. Marquez: No thank you, Ray.

Mr. Hutaff: Okay. I tried. Maybe I gotta back Molokai one more time then.

Ms. Kanuha: When not raining.

Ms. Marquez: Thank you.

Mr. Fredericksen: Okay, any other comments, questions?

Mr. Solamillo: Motion. You got a motion?

Mr. Fredericksen: We need to get some public comments if no Commissioners have any more questions at this point. Okay, anybody from the public wanna come up and testify, please do?

Ms. Marquez: Come on up, Hinano.

Mr. Hutaff: Oh no.

Mr. U`u: That's his house.

Mr. Hinano Rodrigues: Hinano Rodrigues. But I'm not standing here as a representative of State Historic Preservation. I'm standing here as a resident of Olowalu, representing probably the last Hawaiian family, whose ties are in Olowalu. You know, I'm not going to rain on parade because you all say this is great, but I'm going to take advantage of this venue to give you guys a little bit of history about this place because my family has been there for 4 to 500 years. And one reason I'm doing that is cause a couple of meetings ago Bruce brought up the subject matter about the Baldwin veterans home, and he brought up a very sensitive issue that, back then, it was only for white people. So I went home and I told my parents what Bruce said, and my parents said, "Yes. It was only for white people." And this -- and it's somewhat related to what's about to happen in Olowalu in that only white people could live in those homes. Those homes were for the supervisors. Fortunately, during my time, Portuguese was considered white, so if I remember, those homes were Kinores, Wilburn, and Lindsey. Yeah, the three homes. What is sad about that is, historically, it was only for white people, number one; what is more sad is that they controlled the right of way for those us who were not white. They blocked us from going down to the Olowalu Wharf, and, of course, in those days, things were less confrontational. If you went there and there was a gate, you just took out your chain cutter from the back of your truck, and you just cut that thing, and you just go, and nobody's going to fight. Everybody's going to give each other the stink eye but, really, nobody's going to throw any blows. But I just wanted to take advantage of this opportunity to give you guys a little bit history about those homes in Olowalu and how it affected our lives, not so much that we were kanaka maoli, but more so because I lived at Kapa`iki. Kapa`iki is what everybody calls Olowalu Village today. Well, let's correct that. There were no villages in Hawaii. Nobody lived in villages. I lived at Kapa`iki, not Olowalu Village. But those of us who live at Kapa`iki, which is half a mile south of where you guys are talking about, we're not plantation people. We're not plantation people. We did not work for the plantation. We had nothing to do with the plantation. And I think, as a result of that, we were treated less than plantation people, and that's an irony because people who have a history in plantation

felt that they were treated less than humans and, yet, we're saying we were treated less than them because we were Hawaiians living where we have for 4 to 500 years and treated a lot different. So I just wanted to bring that up. I agree. I think this is an excellent example of adaptive use, but you all need to understand what had gone on there in Olowalu.

Secondly, the issue as to the right-of-way has not been adjudicated. Those of us who come from there say their right-of-way is right across of Olowalu Store, where that road goes down, and you should be able to go straight down to the beach. They have changed that right-of-way. They make you turn left, run parallel to Honoapi'ilani Highway, and then there's this other gate, you park your car there, and you pick up your cooler, and you walk down to the beach. So -- and I know all that is somewhat neither here nor there with respect to what you guys are looking at, but again, the right-of-way has not yet been determined. That being said, hopefully, and I don't have the same information that you have in front of you, hopefully, if this house is to be somewhat remodeled or whatever word you guys are using, make sure that it doesn't go to the area where we don't know -- we're not sure where the right-of-way is cause we don't want that to preclude somehow in the future the State saying, eh, wait a minute. This is the right of way and then they're going to say, oh no, but cannot because now my house is too close to the road. Yeah? So that might be something that you guys wanna think about.

Mr. Fredericksen: Thank you. Questions?

Mr. U'u: Question. You know, being the applicant is not here, and it's hard to get answer when you can't get your questions answered, I should say, what would you advise us to do, Hinano? Share your mana`o on some action.

Mr. Rodrigues: In all fairness, I really think that my issues have nothing to do with what the applicant is trying to do. I just wanted to -- I just wanted to share some history with you guys cause -- because when I go, nobody knows the history. In fact, when I listen to all you guys talk, I said, wow, everybody is so enthusiastic, but they don't really know that part of the story as to what had happened. And my story in Olowalu is not unique. It's something that happened in all the plantation camps. In all fairness to the applicant, I'm in favor of what's going on. I just needed -- I just needed to utilize this venue to tell you guys the history. That's all.

Mr. Fredericksen: Thanks, Hinano. Rhiannon?

Ms. Chandler: Hinano, I just wanted to say thank you so much because that is one of my favorite things about this Commission is that there's so much personal and cultural history that we get that is now transcribed and record for people in the future who are researching

these things. They can actually go back through public records and get these stories. So thank you for sharing.

Mr. Rodrigues: And that's why I did it because if I didn't tell it here, somehow it wouldn't be documented anywhere else.

Mr. Fredericksen: Ray?

Mr. Hutaff: Yeah. Mahalo for thinking that kindly of us to share the story with this Commission so that the story's perpetuated. That's an honor.

Mr. Fredericksen: Thanks, Hinano. Okay, Stanley, you wanna -- any other comments from the -- okay.

Mr. Solamillo: A motion?

Mr. Fredericksen: So what are your --

Mr. Solamillo: Comments?

Mr. Fredericksen: Your comments/recommendations on this, Stanley?

Mr. Solamillo: I was deferring to Commissioner Sarich.

Ms. Sarich: I'm trying to -- I don't know how to make this in -- I guess that all we're asked to do is review and comment on the project at this point and I would recommend that we say that it looks good and that they've done a nice job and we're glad that they're reusing the historic structures.

Mr. Hutaff: Can we say we have no comment?

Mr. Fredericksen: Well, she just had a comment so --

Mr. Hutaff: Well, I meant as far as, you know --

Ms. Marquez: No recommendations.

Mr. Hutaff: Or, yeah, no comments or recommendations so we're not really saying, yeah, it's cool, and we're not really saying -- cause if you give recommendations, you're validating everything else, okay, and then you're just saying the qualification to that is this one particular recommendation. Personally, I don't have a problem with this. It's more of a

question: Can we actually do that, not having a comment, not say anything about it, and it just pass right past us, or do we have to have a positive or negative comment?

Mr. Fredericksen: Well, I think -- I think we should say something. I mean instead of just like somebody else might go, oh well, maybe we should just demo it and something else because the Commission blah, blah.

Mr. Hutaff: Okay, you have answered my question perfectly, and I --

Mr. Fredericksen: Warren?

Mr. Osako: I do have one comment on the drawing plans, there's an arrow pointing to one side and it says, "50 foot right-of-way lot, State of Hawaii," so I don't know what that means.

Mr. Solamillo: And I couldn't address that.

Mr. Osako: I beg your pardon?

Mr. Solamillo: I would not be able to address that.

Mr. Osako: It just says, "50 foot right-of-way lot, State of Hawaii." So that might address his problem.

Mr. Fredericksen: Hinano ...(inaudible)...

Mr. Osako: But that's all it says. It doesn't say it's for beach access or what it is.

Ms. Sarich: Isn't that where the parking -- isn't that where the parking and beach access is?

Mr. Fredericksen: Possibly. This what you're speaking about, right, Warren, right over there?

Mr. Osako: Yeah.

Mr. U`u: Second. I believe the motion was made.

Ms. Marquez: Who made the motion?

Mr. U`u: She made a motion.

Ms. Cua: Mr. Chair? I just want the board to stay really clear that there's really not like an approval or anything you're giving of this. You don't need a motion. You're just offering some comments and we just wanna keep it simple that way.

Mr. Hutaff: Okay, cool.

Mr. Fredericksen: Well, let's go with Brandis' comment -- comments.

Mr. Osako: Yeah.

Mr. Fredericksen: And if any other -- does any other Commission Member want to add to that?

Ms. Marquez: So can you repeat what --

Mr. Fredericksen: Brandis, another -- can you say that again?

Ms. Marquez: That we're going to go along with?

Ms. Sarich: That we think they've done a nice job with the design of this and that we appreciate that they're reusing the historic buildings and not tearing them down.

Ms. Marquez: Sounds good.

Mr. Fredericksen: Sounds fine.

Ms. Sarich: That's not what I said exactly, I can't remember what I said before, but it's close. Yeah.

Mr. Fredericksen: Okay, so we don't need to do a motion on this since it's just advisory?

Mr. Giroux: ...(inaudible)... unless there's an objection to her comment, you'd probably want to adopt this by ...(inaudible)...

Mr. Hutaff: You know the answer is we really don't have to comment.

Mr. Fredericksen: Other than Brandis.

Mr. Giroux: ...(inaudible)...

Mr. Fredericksen: Okay. Yeah, I'm fine with that. Anybody else?

Mr. Hutaff: I'm fine.

Ms. Marquez: Okay, so why do we not need to make a motion on this one and we did on the other one? Why?

Mr. Hutaff: We didn't on the other one either.

Mr. Giroux: When doing comments and recommendations, it's kind of -- I mean the way that it's agendaed that they're asking for some type of approval, you know, but at the end it just says comments and recommendations but, actually, when it says they're asking for approval, you're actually giving them some type of approval even if it's just verbally, but it has to be from the group. So if one person makes a comment, oh, junk, but give people think it's great, then you gotta take a motion to say what's the comment from the Commission, is it thumbs up or thumbs down. So that's where if there's disjunction, right now, with that comment, it looks like there's concurrence so there's no need for a motion. It would -- the comment would be adopted by concurrence.

Ms. Marquez: Oh, because this one is requesting review as opposed to approval?

Mr. Giroux: Right, and also there's no objection to the comments being made so --

Mr. Fredericksen: Okay, so -- so we're good on that. Let's go to item F, Demolitions.

Mr. Solamillo read the following item description into the record:

F. DEMOLITIONS

- 1. MR. ALDON MOCHIDA of PRO-BUILT CONSTRUCTION COMPANY, on behalf of MYABARA ASSOCIATES, LLC, requesting approval of the demolition of a plantation dwelling located at 622 Luakini Street, TMK (2) 4-6-008:017, in the Lahaina National Historic Landmark District, Lahaina, Maui. The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: Okay --

Mr. Fredericksen: You want the lights off, Stanley?

Mr. Solamillo: If you want, but it's not really necessary because this one has heavy overgrowth as well, and you can't see a lot of the building. If any of you have gone to - is it Hale Aloha Church? Is it Hale Aloha? The one with the whole in it? Or is that Waiola?

If you're coming off of Luakini Street, and then it has this road that accesses the church, right, and they've got -- there's like an automobile garage that used to park a lot of Volkswagens and stuffs up front. That's where this building is located, next to the garage, south of the garage and that road, so it's got a lot of heavy growth. There's like a big canvas tent in front of it, and a lot of cars, the last time I looked. This particular building has been changed dramatically, and we've got every kind of window you'd like to have. You've got jalousie windows, sliders, and what has happened over time is they took, again, your cottage for one family, this would be that HSPA plan type, and then they telescoped the rear, so they just built additions onto the back end of it. So over time what you have is -- is you have a really long building and then for every addition, it's got fenestration, which matches that period. The applicant is asking, obviously, for permission to demo. This is the floor plan. You can, essentially, make out the original plantation dwelling at the front with the central stair, and it would have had an inset porch, and then additions had been made to the rear. I didn't, unfortunately, have time to go out and take better pictures. This is all that we have, essentially, so you have that on that fold out. This building sits, yes, it sits in the NHL. The adjacent buildings are kind of non-descriptive of varying periods. It's not part of an identifiable, you know, enclave of buildings that dates to 1920 or 1930, so it's not like if you go down to Kamehameha III School and you see the group of houses and you can say, okay, that's a camp. This is teachers barracks or something like that. So it's just kind of a nondescript parcel kinda in bad shape. So the applicant is asking for a demolition.

Mr. U`u: Question.

Mr. Fredericksen: Yeah. Sorry, Bruce.

Mr. U`u: No, just for clarity. So we going give comments and recommendations, and who we giving them to? Planning Department.

Mr. Solamillo: Right.

Mr. U`u: Who's responsible for giving the green light to them? Public Works?

Mr. Solamillo: I issue a letter. It goes copies to SHPD and then also copies to DSA, which is Public Works. They issue the permit.

Mr. U`u: Say we don't want it -- or say we do want it, how seriously do they take the recommendations?

Mr. Solamillo: If you make them conditions before they can tear it down, then they have to take it very seriously. So if this were, you know, a building which was unchanged, associated with persons who are significant to Lahaina history, then we would say -- you

might make a recommendation for a mitigation of some sort; that's where we get into HABS level documentation.

Mr. U`u: Okay. I'm okay with it being, after what you said, I'm okay with it --

Mr. Fredericksen: Yeah, it sounds like the integrity is --

Mr. U`u: Is shot to, you know, shot to the moon.

Mr. Solamillo: I mean it all depends on political woo. We've been down this thing before, right? Kaluakini, look at that house. The house was falling in. If you really wanna save it, you can. But again, it becomes is it possible or is it hardship?

Mr. Fredericksen: But in terms of -- excuse me, but in terms of integrity --

Mr. Solamillo: It doesn't mean --

Mr. Fredericksen: This doesn't -- this house has been altered --

Mr. Solamillo: Correct.

Mr. Fredericksen: Quite a bit, right?

Mr. Solamillo: Yes.

Ms. Marquez: What else, in addition to integrity, we need to consider?

Mr. Solamillo: Okay, windows, doors --

Mr. Fredericksen: Which is a mishmash.

Mr. Solamillo: Additions --

Mr. Fredericksen: At this point. Right?

Mr. Solamillo: Yeah.

Ms. Kanuha: Sliders. Jalousies.

Ms. Marquez: Okay.

Mr. Solamillo: So, essentially, from the front, I can still make out, oh, it's a plantation house. But around the back, around the side, I mean you can still see you still have the trim, you still have this, but then you look at the windows, six-over-six, so typical for period is gone. It's now jalousies. Then you go around and get aluminum sliders, sliding doors, so --

Mr. Fredericksen: Ray?

Mr. Hutaff: Do you need if they plan on doing anything else with the property after that?

Mr. Solamillo: They probably do but I do not know what that is.

Mr. Hutaff: Okay. If they were to do something on that property, would it come back to us? In other words, if we said demolish is fine, and they go, okay, we wanna go put another house on it, would it come back to us?

Mr. Solamillo: Not necessarily.

Mr. Hutaff: How can we make that happen? Here's my reasoning. Luakini. Luakini, okay. It should have never been built on Luakini Street. That area should never have been built for what's under the ground; what it represents. You can't undo what already did. But if they're going to tear it down, to me the building's useless and worthless in any shape, way, or form, but tearing it down also means that it opens it up for them to go ahead and build on it and there's a lot -- if there is a significant place larger than Moku`ula, it is Luakini. True?

Mr. Solamillo: Alright. What is the history of this place?

Mr. Osako: But then they would have to get another permit to build.

Mr. Hutaff: That's what I'm asking. You know, is it going to come back to us again if we said --

Mr. Solamillo: Well, they have to get another permit but it doesn't necessarily come back to you unless you want it to come back.

Mr. Hutaff: That's what I mean. How do we make it happen?

Ms. Cua: I'd like to comment on that. The makai side of Luakini Street is in the Historic District. The mauka side is not. And this property is on the --

Mr. Solamillo: Mauka.

Ms. Cua: Mauka side. So it will not require a historic district application and we just wanna be -- you know, we don't want to false represent to you that something's going to come to you when there's no permit. So it's within the special management area. We would need to review a special management area permit for it. It's in the National Historic Landmark District Boundary but I don't believe that a building within the National Historic Landmark District Boundary is required to come before this body if it's not in the Lahaina Historic District.

Mr. Fredericksen: Ann, I've got a question. I agree with what you're saying, by the way. This -- a building permit, given where this is located, would go to SHPD for comment?

Ms. Cua: That's correct. I believe they send building permits to SHPD.

Mr. Fredericksen: Because of where it's located. But I don't believe it'll come back to the CRC.

Ms. Cua: Correct.

Mr. Hutaff: Unless they send it back. SHPD sends it back.

Mr. Fredericksen: Yeah.

Mr. Hutaff: So there is a mechanism. Question. In the future, can they build a house on it?

Mr. Rodrigues: And us Portuguese, we're always there. No.

Mr. Hutaff: It's been stated that it's not necessarily within the Historic District but this may actually come to you if they were to build another house on it for your --

Ms. Cua: Review.

Mr. Hutaff: Review.

Mr. Rodrigues: Yes.

Mr. Hutaff: Okay.

Mr. Rodrigues: Yes.

Mr. Hutaff: Would you -- if you were there, okay, would you recognize the significance of Luakini Street and have it come to our body even if it's 15 years from now and you're more

makule than you are? It's just a question, okay. It's just a question. It doesn't matter what the answer is.

Mr. Rodrigues: Yes. Yes.

Mr. Hutaff: Okay, cool.

Mr. Rodrigues: I think demolition permits, with regards to architecture, it does to our Oahu office because we don't have in-house architect on Maui. So if someone wants to build in the future, they'd go through the normal permit process, which would kick -- automatically kick the permits to us.

Mr. Fredericksen: Thanks, Hinano. Bruce, you had a question earlier? Brandis?

Ms. Sarich: I just -- I think that there aren't that many historic old buildings in Lahaina and that balance and old versus new, it just seems to me it might be good to know what this building is actually. And your office hasn't done research, have you?

Mr. Solamillo: No, I think the burden, at this point, it should be on the applicant.

Ms. Sarich: Yeah. I mean I just -- I think that because it's an important area and it is in the National Landmark that we should document this house and at least know what it is that they wanna tear down.

Mr. Fredericksen: What, Stanley, would normally occur on one like this ...(inaudible)...

Mr. Solamillo: Normally what would occur is they've submitted what they've submitted, and they submitted a completed inventory form, but what we've been getting from applicants are completed inventory forms is rather incomplete information when it comes to chain of title. Chain of title is really important to know what families live there; at least take it back a reasonable amount of time. So that -- that seems to be, you know -- and at this point, staff has not been able to get time to get to do any research on this particular property so --

Mr. Fredericksen: Could Brandis' comments be incorporated in a response saying demolition permit granted, however, we need to get some additional information on who lived here and that sort of thing?

Mr. Solamillo: We don't grant demolition permits but, anyway, what I would say is in order to mitigate the adverse effect of demolition, we need X, Y, Z information completed on the inventory form cause right now the inventory form that you saw in the --

Mr. Fredericksen: Yeah, it's real thin.

Mr. Solamillo: Yeah.

Ms. Sarich: I don't think they even went and looked at deeds or anything.

Mr. Solamillo: Well --

Ms. Sarich: They've said none. Yeah. I don't know. To me, it seems like a shame to tear down a old house in Lahaina.

Mr. Fredericksen: Well, yeah, that's --

Mr. Hutaff: I think the idea is what is the value, historical value, cause so many things could change or does it still have that integrity?

Mr. Solamillo: No, it does not.

Ms. Sarich: Well, you don't -- there's none?

Mr. Solamillo: Well, I don't think it has its integrity. I'd begin by -- in order to get the integrity -- I mean because look, all the windows, which formally were six-over-six or divided light single hung wood sash are removed, right, so the things that you look for, doors and windows are first, roof shape kinda on one side you have -- the more you move back on the building, you realize it's gone. Bruce?

Mr. U'u: Just a comment. I applied for a demolition permit for to demo my grandmother's house in Haleaina. The kitchen was separate. And the reason we demolished the house, one was it was rotted, it was old, and we owned it forever, but it will be hard pressed for me to heed advice from like a commission like this knowing the fact that you no more money. You know, it's always nice to rehabilitate. It's always nice to build in its original form if you can. Cause if you no can, you stuck with the original. And then so -- and what I do is I'll put myself in that predicament. So I'm there and then somebody going tell me, as one condition, which we do, and, you know, make it the same and then when you look at the cost of redwood, or I going hire you to draw a design and go do the background checks, share your mana`o with everything, all that adds up to money. And if you one local person without money, you going stop building and just going to live the way it is, and then you going be forced to build -- sell. I not saying that this person is forced to sell. I not saying anything. That's just the potential that when you make things too expensive where you're limited by money amount, you're almost sure to sell. I remember the stuff I had to go through, one SMA, and that's prior to being on the commission, so I was clueless, SMA, you know, was over 50 years old. I was like: What the heck? You think my mom could handle that? Hell no. Did we have the money? The process would have cost more than the cottage I built. And that's the reality of it. And I not speaking on behalf of the owner.

I'm just speaking through personal experience. It's great to be on a board and say, hey, you gotta do this and you gotta -- I would really like to give you one comment. But you know what? You gotta take a look at his assets, his money. I mean you know like go to the point where we went chase the local guy out of the house, if that's the case here, and I don't know, or chase anybody out of their house as the rights of owners. So we gotta be aware. Like I said, I've been through the process and I mean the fees they wanted us to, hell, it was like we been here our whole life, and I not saying -- and then all of a sudden, you know, catch-22. So, you know, and I built it myself. I'm a carpenter by trade, but I would have to pay fees that was incredible and --

Mr. Fredericksen: I don't think anybody is arguing to like preserve this house or rebuild it the same way or anything.

Mr. U`u: I'm just saying, you know, some of the comments. Sometimes you gotta take into note if we in that house and like when people -- when people step forward, like Kimo Falconer, and say I'm going to do this. That's why we congratulate them. Because they taking that extra step to. But we shouldn't condone, at the same time, if we don't know particular reasons. Just mana`o. I've been through the process. It's a lengthy process and it would affect -- my mom wouldn't have gone through it. She still would have been in the oldest house in Kuau right now that was moved from the Paia camp up above, Hawaiian Camp that moved down to Kuau. She would have been fine living in there if she had to, herself, done the process because it's really confusing, even by sitting on this board, it's confusing, let alone being a homeowner. So my mana`o.

Mr. Fredericksen: Thanks, Bruce. Yeah, Brandis.

Ms. Sarich: I totally hear what Bruce is saying, and I understand that, like on the other side also as far as people not having the money to take care of these things, but as far as my view goes, and in places like Wailuku and Lahaina, I mean it pains me to see houses getting torn down because these houses have incredible stories, and I've done research myself. I mean it's really the history of Hawaii that goes into these houses. So that's just my personal thing. I hate to see them being torn down.

Mr. Hutaff: I kinda think that -- that when we sit in this chair, we have a burden.

Mr. Fredericksen: Yeah.

Mr. Hutaff: And the burden is set out based upon the book, like it or not, okay. I think that having concern for other people is something that we actually have because that's part of the culture that we have and so you gotta battle each one. There's nothing that's going to be cut and dry although the book says it's all cut and dry. The book says save it if it conforms. He's saying it doesn't conform, okay. So this one we're probably going to have

to let go, I can't speak for everybody, but we probably have to let go, but we have had a young lady from Lahaina that is in the same situation that you're talking about that we had to go, sorry, you gotta save it, because that's out duty here, you know, when we sit in this chair.

Ms. Marquez: Real fast. When I first started this Commission five years ago, I remember this one, this applicant came and wanted to -- had to fix the windows, the doors, or something, and he already went and got the materials, and then he had to come here and share the mana`o and the mana`o was you're not supposed to replace, you're supposed to repair, however, end result, long story short, we, as a Commission, allowed the I guess the replacement to happen. So, yeah, it's case by case. We do follow the books, however, it's ...(inaudible)...

Mr. Hutaff: Well that's the visual. They kept the visual integrity. So that one would have been good ...(inaudible)...

Ms. Marquez: Yeah.

Mr. Hutaff: ...(inaudible)...

Mr. Marquez: Okay.

Mr. U`u: Just for, you know, if they going demolish, you know, I just hoping that they can hook up with Kimo Falconer to give the material to him, the redwood. You can go vertical siding. And then you could trace back the date. Other than that - poho. Cause the redwood is very expensive so if you going do 'em, you should hook up one deal with Kimo ...(inaudible)...

Mr. Hutaff: That's not a bad idea.

Mr. Fredericksen: Okay, so at this point, as a Commission, we're not opposed to having the demolition. I mean is that --

Ms. Sarich: I'm going to be opposed to it. It doesn't matter. No, no, I mean --

Mr. Fredericksen: Yeah.

Ms. Marquez: If there's an opposition, then we need a motion.

Mr. Hutaff: I want you to remember this moment in time because, hopefully, I never say it again. I move to approve demolition.

Mr. Osaka: Second.

Ms. Cua: Wait. Wait. We need to -- we need to be clear here. Sorry, it's our fault that the agenda says, "request approval of the demolition." I apologize for that. That is incorrect cause you do not do --

Mr. Hutaff: Cool, so I'm off the hook?

Ms. Cua: Yeah, you're off the hook. We take responsibility for the agenda.

Mr. Fredericksen: So this is comments. This is commenting on --

Ms. Cua: You're commenting. You comment on all demolitions. You don't approve them.

Mr. Fredericksen: There's no approval.

Ms. Cua: Correct.

Mr. Hutaff: Then I refuse to comment.

Mr. Fredericksen: What does the Commission think about, okay, Stanley, the recommendation, what's your recommendation on this? In this instance, given the -- what I'm hearing, given that the house does not have much of its integrity left.

Mr. Solamillo: The building is located in the National Historic Landmark District. We are a certified government. We receive Federal funds via the State Historic Preservation Division in Honolulu. We are, in effect, an arm of both the State and the Federal Government. Okay, so we have to do some purview of what impacts this district, okay. Based upon that fact, when we look at this particular building --

Mr. Fredericksen: This one instance.

Mr. Solamillo: This building has been altered and if we look for things that we use to determine eligibility for listing in the National Register of Historic Places, if we do not have the most important thing, which is, in this case and most our houses -- most of our housing, we don't have, and this picture is the best one, this is the Lee family from Lana'i, right. We've got them all lined up. These houses, as Commissioner - I'm having a rough day today - Sarich described, as packed full of our history, and what has happened, unfortunately, in the last ten years or so, is it's all getting lost at an incredible rate and we have to remember to always remind people, if you're going to come in and you're going to take it down, at leave us a record of who lived there, you know. Did they work for Pioneer Mill? Oh, they didn't. They worked for the billiard hall. Okay, you know. It's these bits and

pieces because at the end of the day, in another ten years or so, we won't have these sources of information around. So based upon the fact that this particular building is not eligible for listing in the National Register, and because of its alterations, cannot be considered a contributing building to the NHL, and is probably, from the appearances in the photographs, in bad structural condition, then we can recommend demolition, but we can also recommend, as a mitigating fact, that the property owner include a decent chain of title of who occupied the building --

Mr. Fredericksen: If the --

Mr. Solamillo: Fifty years --

Mr. Fredericksen: If the demo -- this information that's missing, like Commissioner Sarich ...(inaudible)...

Mr. Solamillo: Yeah, just fill in the family names.

Mr. Fredericksen: Get some information on --

Mr. Solamillo: Yeah.

Mr. Fredericksen: On who occupied it. Bruce?

Mr. U`u: No. Nothing.

Mr. Hutaff: And, Ann, it doesn't say in there you guys did make a mistake. I didn't read it.

Ms. Cua: What's that?

Mr. Hutaff: I said it doesn't say in there that we have to approve or disapprove. It says just comments and recommendations so thanks for being ...(inaudible)...

Ms. Cua: Actually, no, it does. It does in the second sentence. So we conflict ourselves. Very sorry.

Mr. Solamillo: I apologize. That I am the author of. So I'm sorry. Stupid me. So --

Mr. Fredericksen: So let's incorporate, in our comments, Brandis' recommendation.

Mr. Solamillo: Okay, and that was?

Ms. Sarich: My recommendation was to leave it up but I accept Stanley's mitigating measures to get some documentation of who lived there.

Mr. Fredericksen: We did have a comment on documentation, get additional information.

Ms. Sarich: Yeah.

Mr. Fredericksen: Because that's one of the problems with stuff getting demolished if there's no information about it.

Ms. Sarich: Right.

Mr. Fredericksen: ...(inaudible)...

Ms. Sarich: Yeah.

Mr. Solamillo: Under Director's Report, Deputy Director Ann Cua with an update on your favorite subject.

G. DIRECTOR'S REPORT

1. 2010 Halloween in Lahaina Status Report (requested by Deputy Director Ann Cua)

Ms. Cua: Good afternoon, Commissioners. You have had a very long day. I had asked to place this, the issue of Halloween on the agenda because this is the meeting before October 31 and, you know, there's been information out there in the paper and stuff and I just thought that, you know, we owed it to you to just kinda let you know what's happening out there. And so I prepared a memo just to let you know what we know of what's happening and kinda how things have transpired in terms of what is actually happening in Lahaina for Halloween. So first of all, we did approve the keiki parade. We did issue you copies of the approval letter. We did an administrative approval of that and that is, you know, one event that's been happening for many, many years now. Also, I received a phone call on Monday, from a member of the Lahaina Town Action Committee, and they are going to be holding a new event called "HallowTween," and it's going to be located at the old Plant Hollywood building. I haven't kept up with how the name of that building changed. It's always been, you know, the old Planet Hollywood building to me. And so that building is no fully in use and so they've decided to use the vacant spaces to do an event. There's going to be activities for adults and teens, and it's going to be hosted entirely on private property within an enclosed building. No temporary structures, road closures, or anything like that, so no historic district or police permit is required. We do wanna commend the Lahaina Town Action Committee for using their resources and pulling

together to make this even happen. What I heard on Monday is that they were very pleased with the response that they've been getting in terms of the calls, people interested in attending, so we will check with them after Halloween just to see how it went, and we can keep you posted on that.

Also, I received a call from the Wharf Cinema Center just indicating that they are also having, as they always do, activities there. They're having a costume contest for keiki and adults, and they possibly will be having a haunted house. And then we've also listed what we know of, there probably is other things happening, but, you know, Moose's, Longhi's, Bubba Gump, Hard Rock, Cool Cat Café are all having their own on private property so, you know, we really wanna commend these businesses and any others who have planned events for their property.

One other thing is we have -- we have made commitments to, we the Department, have made commitments to Lahaina Town Action Committee and I think you've heard and we were informed that there was -- there is a newly formed West Maui Community Association. We did attend one of their meetings. And any other committee, actually, out there that is interested in doing events for Halloween, you know, the Department is making ourselves available. We have attended meetings from the Lahaina Town Action Committee and this newly formed West Maui Community Association, one meeting, and have committed ourselves to help them in any way, shape, or form in moving forward in future years to -- to have organized events. But for this year, this is what is happening in Lahaina. And I know these other areas that I'm just going to mention real briefly, it's not in your jurisdiction, but again, this is just more for your information, we are aware that Paia also has activities within their private spaces and if you -- I actually went and looked on a website, paia.com, and as I understand it, they don't have, you know, like a paid organized group, however, merchants have gotten together and they have on a website exactly what they're doing, I think, right now, they still have what happened in 2009, but, you know, they say at what time are they having a costume contest at a certain restaurant and what time is, you know, a certain band is going to be playing, and trick-or-treating from all the stores, and so, you know, that's a way of getting the word out, and I've also passed that information on to a member of the Lahaina Town Action Committee to see if they could also do the same thing, just to get the word out a little bit more of what all of these private businesses are doing to prepare for Halloween, and then we also understand Kihei. Kihei does something as well. So we just wanted to bring you up to speed on what's happening and we'll continue to inform you, you know, next year as to, obviously, what kind of applications may come in and we'll bring to you if needed. Any questions?

Ms. Marquez: Okay, so for clarification or summarization or so, we have given the blessing for the keiki parade as opposed to the adult parade.

Ms. Cua: Right. There's -- the Planning Department granted a historic district administrative approval for the keiki parade. There has not been a completed application that has been able to come before this board for an organized Halloween event as we knew it to be in the past. But we, you know, we do have an application on file from the Lahaina Town Action Committee that we -- although they did request withdrawal for this particular year, we are going to be working with them, or whoever else it's going to be, I'm not sure which entity will want to take this on for next year, but we would like to work with them and see if we can get consensus within the community for some kind of an organized event for Halloween if that's possible.

Ms. Marquez: So as long as there is no change to the previous activity, then the admin goes ahead and give approval of ...(inaudible)...

Ms. Cua: Right. If it's an -- yeah, if it's an event like we mentioned, if it's an event -- if it's a brand new event that's never happened before in the Historic District, we'll bring it to you. But if it's an event that's come before you and they submit a layout to us and let's say their structures are all in the same place, for the most part, we can approve it administratively on your behalf. If they decide they want to add, you know, an additional 20-by-20 tent and several more booths, you know, we're going to take a look at that and we're going to say, you know, we may need to bring this back to the Cultural Resources Commission. So we make that decision.

Ms. Kanuha: So -- I'm sorry. I had a question, Mr. Chair. So this Keiki Halloween Parade starts from what time to what time?

Ms. Cua: My understanding is that it's start at 4:00.

Ms. Kanuha: Till?

Ms. Cua: I'm not sure. I don't know if takes an hour or so.

Ms. Kanuha: The parade. The Halloween parade. Only about an hour?

Ms. Cua: That's my understanding. I'm not completely sure.

Ms. Kanuha: Okay.

Mr. Fredericksen: Any other questions, comments? Thanks, Ann.

Ms. Cua: Okay, thank you.

Mr. Hutaff: ...(inaudible)... surprise her.

Mr. Fredericksen: Stanley?

2. Moloka'i CRC Meeting (requested by Chair Erik Fredericksen and Moloka'i Commissioner Veronica Marquez)

Mr. Solamillo: Okay, the next subject is, under Director's Report, is the Molokai CRC meeting. This was requested by Commission Hutaff.

Mr. Hutaff: It says here it was requested by you.

Mr. Solamillo: Oh, I'm sorry, Veronica Marquez.

Ms. Marquez: Well, you know what? I guess we're here to have an update of the ...(inaudible)... so I'll start with, cause you're new --

Ms. Sarich: Thank you.

Ms. Marquez: In past meetings or meeting, I have mentioned that we should bring this Commission body over to Molokai to address Molokai's concerns or challenges or good things. Well, yeah, at the time we suggest these things of course budget got cut and a`ole kala. Yes, we still wanted to bring this body to Molokai so a suggestion or an idea was created at that time and one of us or some of us said what if somebody donated some money? And so from then I said, well, let me go talk story with the Council, and I think -- and so I did my homework. Ray did your homework.

Mr. Hutaff: He did my homework.

Ms. Marquez: Okay, he did your homework, but let me tell you what my homework was. I almost immediately called Danny Mateo, Chair, because I'm the type that tell me what not to do.

Mr. Hutaff: Cause otherwise you going do 'em?

Ms. Marquez: Otherwise I going do 'em. I said, okay, what if a Commission Member donated the kala, is that cool? Well, not cool. Is that good? And he put it to me real straight, he said, this is how it goes. He said a Commission Member can donate, however, on the agenda, per se, we cannot have items that is connected to -- that is connected to that person who made the donation. So that's the part he wanted to make real clear. Other than that, he said go for it. It starts it. Someway it goes to someplace and then it goes someplace else. That's where I got lost. But Danny Mateo said can do. And then I turned the plan now over because I was talking to Ray. You're on.

Mr. Hutaff: Okay, so I offered to try to find the money after and the Commission seemed to agree with that they were okay with somebody within this body donating some money and James and Stan were so nice enough to try to give me some facts and figures, we knew what the balance was before we had to go to Full Council to get approval on a donation. Since that time, I determined that it was probably best if I didn't go out and seek other people to fund it because it might complicate the issues. So I decided that once I could put the money in the bank, then I would go ahead and apply. Well, it took me about six weeks longer than I thought to put the money in a account. I have since written a letter, which I emailed to the Mayor's office and to Ann, but because I didn't hear anything back, I don't believe you got it.

Ms. Cua: I never got it.

Mr. Hutaff: Yeah, if you didn't get that, cause it was the same email.

Ms. Cua: I got it today.

Mr. Hutaff: Yeah. So what we need to do is get that letter to the Mayor. Can anybody help me get that to the Mayor because they didn't receive it? If she didn't receive it, the Mayor didn't receive it.

Ms. Marquez: How could not the Mayor not receive it?

Mr. Hutaff: I emailed it.

Ms. Marquez: Oh, email.

Mr. Hutaff: Yeah, I emailed it in the body, okay, as a letter, and then said I also have the attachment, which is that attachment because sometimes some attachment opens up everywhere in the world. So I usually do that. And somehow --

Ms. Cua: We can make sure it gets to the Mayor. This was dated August 29?

Mr. Hutaff: Yes. Well, I was going to bring it up at our next meeting, which was August -- I mean September 6 but we didn't have that.

Ms. Marquez: Yeah, cancelled.

Ms. Cua: I'll make sure it gets to the Mayor's office although I'm glad I heard you say, and I think James had confirmed, that for any kind of donation from anybody to the County, it does have to go through Council --

Mr. Hutaff: Right.

Ms. Cua: So I don't know if the --

Mr. Hutaff: Mayor. According to the way we researched it, correct, it has to go to the Mayor first, the Mayor says, hey, yeah, I wanna do this or nay, I don't wanna do this, and then puts it to the Council for approval. Is that correct?

Mr. Giroux: Yeah, I believe that there's gotta be some kind of resolution to receive the funds.

Mr. Hutaff: Right, but I mean the Mayor's gotta request it. You can't just go to --

Ms. Cua: The Mayor?

Mr. Hutaff: To the Council first, right?

Ms. Cua: I don't know if the Mayor -- I'm not sure.

Mr. Hutaff: That was my understanding that it had to go --

Ms. Cua: From our attorneys?

Mr. Hutaff: At the time, okay, my understanding, it's not always a reality, but that's my understanding when we had the discussion is that I had to present it to the Mayor, the Mayor went, oh, this is kinda cool, let's see if the Council approves it, or no, it's not cool, sorry. I'm not going to present it any further. If you have different information, then fine if we can bypass one person to get it done.

Ms. Cua: I don't know, but I will --

Mr. Hutaff: Would you?

Ms. Cua: You know, we'll get this to the Mayor's office for sure and if it's something that needs to go directly to Council, I'll call you myself.

Mr. Hutaff: No problem. We're ready to go next week.

Ms. Sarich: Ray?

Mr. Hutaff: Yes?

Ms. Sarich: You donated your own money to do this?

Mr. Hutaff: Yes.

Ms. Sarich: Wow.

Mr. U`u: You the man, Ray.

Ms. Sarich: Yeah. You the man.

Ms. Marquez: Okay, so -- so --

Mr. Hutaff: No. Don't do that.

Ms. Marquez: Yeah, don't do that.

Mr. Hutaff: Yeah, don't do that.

Ms. Marquez: So, Ray, I have the letter, they have the letter, but the other Commissioners do not?

Mr. Hutaff: That's absolutely correct.

Ms. Marquez: They're not privy at this time to have the letter?

Mr. Hutaff: Well, there's actually two reasons for that.

Ms. Marquez: And they are?

Mr. Hutaff: And I'm going to give the first reason, which is not really the first reason, is that because I felt that I didn't know how the Chair was going to feel about it. I wanted to make sure Stanley was informed about it. And it was a followup based upon you and I conversation. Two, and then if it was cool with your guys, then I was going to give copies to the others. The real reason? I didn't make enough copies.

Ms. Cua: We can make copies and provide to the others.

Ms. Marquez: And I need to add this because after talking with Danny Mateo, I -- after I said, okay, we'll, you know, of course we'll it comply, will it take long like do I wait till February of 2011? He said no. You can get it done this year. Now, that's Danny's mana`o. So in reality, can it be done this year? I'm not being facetious.

Mr. Hutaff: It's up to the Council.

Ms. Cua: Well, the money would have to be accepted by the County Council, I believe, so I don't know. I can't speak for the Council's agendas. Isn't that correct, James? Wouldn't they have to --

Mr. Giroux: Yeah, and, you know, I don't know if we looked at the issue of whether or not there would need to be a budget amendment to go along with that. I mean I don't know how crazy it would get after -- I know from my experience of trying to get that jet ski donated, just expect more red tape. It's -- so anyway I just --

Mr. Hutaff: Or at least allow me to pay for it without going through all that stuff, you know. I mean I can write the check for the airlines and write the check for the food, and, hopefully, it passes the bank or the moneys there. I can put it in.

Ms. Marquez: I mean, Ray, you have it down for airfare, airfare, per diem, lunch. My golly.

Mr. Hutaff: That's all the expenses that would come out of the Maui County's pocket.

Ms. Marquez: Yeah.

Mr. Hutaff: Yeah, it's the same expense, just different pocket.

Ms. Marquez: Okay, so now -- so what's our next step? I mean who can answer that?

Mr. Hutaff: That's actually --

Mr. Fredericksen: Our next step --

Mr. Hutaff: Thank you, and that's why I do it because it makes me feel good. Now we're done, okay?

Ms. Marquez: No, we're not. So what's our next step?

Mr. Hutaff: Well, she's going to get that to the Mayor and I'm assuming the Mayor's going to do it, and you maybe again give Mateo a heads up and I'll go to talk to people who will listen to me in the Council, which I think is one person, maybe two, and say can we facilitate this matter quickly without banter.

Ms. Marquez: Sounds like a plan.

Mr. Hutaff: Okay, cool.

Ms. Marquez: Mahalo.

Mr. Fredericksen: No. 3.

Mr. Solamillo: No. 3, Quorum and Attendance, requested by the Chair, and this is for CRC meetings, and the Chair can address this.

3. Quorum and Attendance (requested by Chair Erik Fredericksen)

Mr. Fredericksen: Yeah, I just -- and I communicated with Stanley, I wasn't aware that we were in -- not going to make quorum the last meeting until after it was already done because I didn't -- my email Roadrunner account wasn't working right, and so I've requested that if it looks like it's getting close that I be actually called and then contacted on an alternate email address, which works better with email. But if we're on the Commission, I would hope that everybody does the best they can, and sometimes it's not going to work out, but hopefully at least 10 meetings or 11 meetings in the year we can make quorum.

Mr. Solamillo: The minimum is 9. We have to have 9 meetings, I think, and it's really a disservice to those people who are waiting.

Mr. Fredericksen: We were --

Mr. Solamillo: Who were agendaed.

Mr. Fredericksen: Had something on the agenda. Yeah, Ray?

Mr. Hutaff: I have kind of a comment to that. We have nine people, right? Nobody can quit. That's it. Pau. You have to stay here. There's no other way about it, okay. It you can make 11 meetings a year, then we do ourselves a service, and we do the community a service, and we life easier for the Planning Department. And so I'm going to put in my request that we all do that. That's the best I can do.

Ms. Marquez: And I will try my darndest --

Mr. Hutaff: You pau already.

Ms. Marquez: ...(inaudible)... I'm afraid -- but I do try, however, we have lives.

Mr. Fredericksen: Oh yeah. No, I agree. I just would like to know before a meeting's cancelled so I don't get a notice in the mail saying it's cancelled just so, if nothing else, I

can maybe even try to contact Commissioner Members and say, hey, any possibility anybody --

Mr. Hutaff: Well, what I do is when I reply all so everybody knows where I stand.

Mr. Fredericksen: Yeah.

Ms. Marquez: Me too.

Mr. Hutaff: And she does too, yeah.

Mr. Fredericksen: And I do it when I get --

Mr. Hutaff: You did, and you do too.

Mr. Fredericksen: My email.

Mr. Hutaff: If we all do reply all and that's the thing that we can actually catch it ourselves maybe, oh gee whiz Erik didn't do it, I wonder if he got the message? Let me just, you know, try one more time.

Mr. Fredericksen: And I appreciate everybody. I know how it is. I mean, yeah, we do all have lives and it's -- it's hard though.

Mr. Hutaff: We also signed up though.

Mr. Fredericksen: I agree. But it is a commitment, but I appreciate everybody who, you know, sometimes it's like today's a long meeting, but I wanted to thank everybody for being here and I'm really thankful that we have the make up we have on the Commission. I think it's really good.

Mr. U`u: You know, on the Planning Commission, the only time we would respond if we not coming, and that's the difference. I no think we should respond to say we coming cause I going come.

Mr. Hutaff: I think we should just so we know that everybody got the message.

Mr. U`u: Okay. So we should respond to say we coming?

Mr. Fredericksen: Just so we at least know there's five.

Mr. U`u: I thought was automatic when you signed up.

Mr. Fredericksen: Cause that's what we need, right, five?

Ms. Chandler: I agree with you, Bruce. I'm coming. Like I'm coming unless I say I'm not coming.

Mr. U`u: And that's me too.

Ms. Chandler: I think one time I did not email back, and I'm sorry, but usually I do, and I don't reply all but I will in future, but I agree with you and I'm sorry and I don't know if there is a way that we could -- we would prefer to all know that we are all coming?

Mr. Fredericksen: Well, at least so we have a quorum just so we know --

Ms. Cua: Can I offer a suggestion?

Mr. Fredericksen: Yeah, Ann?

Ms. Cua: You know, you're all volunteer members and, you know, the time that you spend here is long, and I would hate to have you spend anymore time doing anything else that really isn't necessary that's going to take time away from your schedules. So how about -- I mean what the Planning Commission does works very well. We are going to assume you are here unless you're going to like tell us today you're not going to be at the next meeting because you're going to be on trip or you're going to call Suzie and let her know. I think, you know, what does happen is our Planning Commission Secretary, if anything, keeps in touch with us or with the chair if there's -- if it's, you know, if we know that they got three people that's not going to be there. But if we do it that way to save you the time to have to call every single time, then -- but then there has to be commitment on everybody's part that if you are not coming, it's really important that you let people know, and I just think in terms of your time, cause everybody is so busy to have to call just to say you're coming, I think we would --

Mr. Fredericksen: We just hit reply. Suzie sends us an email and reply that way.

Mr. Hutaff: And we reply all.

Ms. Marquez: Yeah. I beg to differ on the assume because I learned in life that we should not assume, seriously, if you saw ...(inaudible)...

Mr. Hutaff: Yeah, it's like assuming that email went through.

Ms. Marquez: Right.

Mr. Hutaff: Plus too, if these guys don't email me, all I get it spam.

Ms. Cua: If it's an email, it's not -- I mean I thought we had to go make an actual call.

Mr. U`u: But it works. I going be honest, it works. There was never an issue about who's not going to be there or who's going to be there. I mean it was just -- and that's being honest. I been through the process. It works. You just call I not coming, or I coming, and --

Ms. Marquez: Well, why don't we ask the person who shoots us the email. Suzie, does it help to let us -- to let you know we're coming?

Ms. Esmeralda: Well, there's one member that I've called and emailed and haven't gotten any response. You know, whatever. I mean sending out an email isn't ...(inaudible)...

Mr. U`u: No, I agree. Either one. We can do either way but we can come to an agreement too. We can do it. We can --

Ms. Marquez: What I'm saying is how long does it take to just reply to all, yes, I'm coming; shoot; done? I know it sounds -- but it's technology.

Mr. U`u: Yeah, but, you know, the part was even for me sometimes my email down one week, like the last time, so that's when I gotta call, I guess, you know, go back to the --

Mr. Osako: ...(inaudible)... I was away for ten days. I got back Monday. I got the letter from Mayor. I got the packet. I said Thursday? Wholly smokes.

Mr. Hutaff: Thank you for coming then ...(inaudible)...

Ms. Marquez: But on the other hand too if I don't hear from Suzie, I will shoot her email saying, hey, are we having a meeting or not because we do have lives and we go here and there, and she is very cognizant enough to say yes or no. I mean take --

Mr. U`u: We can do that.

Ms. Marquez: You know, take the ownership too.

Mr. Hutaff: It's nice we only have so many members in comparison to ...(inaudible)...

Ms. Marquez: Oh yeah.

Mr. Fredericksen: Yeah, I mean with nine members, that's going to make it a lot better in terms of flexibility. Okay, Stanley?

- 4. Eliminating Duplication in Historic Preservation Reviews/Determinations of Eligibility and Effect/Mitigations (SHPD and Maui County)**
- 5. November 4, 2010 CRC Meeting Agenda**

Mr. Solamillo: Okay, No. 4, I'm going to ask that we defer to the next meeting.

Mr. Hutaff: Okay.

Ms. Marquez: Defer.

Mr. Solamillo: No. 5, November 4, 2010 CRC meeting agenda, taking topics from the floor. What would like on there.

Mr. Fredericksen: Thanks, Hinano.

Ms. Marquez: Are we going to continue what we deferred?

Mr. Solamillo: Yep.

Ms. Marquez: Very good.

Mr. Fredericksen: What's on the agenda at this point besides the item we deferred today?

Mr. Solamillo: I can't -- I can't think at the top of my head. I'm sorry.

Ms. Sarich: Is this the forum for talking about the indigenous housing code?

Mr. Solamillo: It's not agendaed so --

Ms. Sarich: Okay.

Mr. Solamillo: I mean you can propose it as putting it on as an agenda item.

Ms. Sarich: That's what I mean.

Mr. Solamillo: Yeah.

Ms. Sarich: Is this the appropriate place to talk about it?

Mr. Fredericksen: For the next meeting it could be agendized.

Ms. Sarich: Yeah, that's what I mean.

Mr. Fredericksen: Yeah.

Ms. Sarich: Yeah.

Mr. Fredericksen: You could request it, sure.

Ms. Sarich: I would like to request that please

Mr. Solamillo: Okay.

Ms. Marquez: What are you requesting?

Ms. Sarich: Talking about the indigenous housing code cause it would be nice to build things people can actually live in.

Ms. Marquez: Make sense.

Mr. Hutaff: I was out two weekends ago helping Francis Sinenci put up the biggest hale out there in Hana. That's a lot of work. An I'm no good with height. So that's still a lot of work.

Mr. Fredericksen: A lot of scary work.

Mr. Hutaff: Well, I didn't go up. I was just on the ground. There was still a lot of work on the ground. I don't know how much work there was up there at the top but I could see a lot of self-help stuff and people working together. I could see a lot of ...(inaudible)... so, yeah, that's cool.

Mr. Fredericksen: Any other items that Commission Members wanna put on at this point? Stanley, if a Commission Member comes up with something before, like well in advance of the next meeting, is it possible to get in touch with you or --

Mr. Solamillo: Yeah, just shoot me an email.

Mr. Fredericksen: Okay. So if anybody thinks up something.

Ms. Marquez: And will the Molokai mana`o is an ongoing and it'll be back on the agenda or we have to request it?

Mr. Fredericksen: Yeah.

Mr. Hutaff: We should put that back on as a followup.

Mr. Solamillo: You have to request it specifically.

Ms. Marquez: Okay, I request the Molokai mana`o be on the next agenda.

Mr. Solamillo: Anything else?

Ms. Sarich: Well, I don't know if we have to do it all at the next meeting, but could we just have a quick review of all the historic districts in Maui County?

Mr. Fredericksen: Sure. And then, Bruce, you had something?

Mr. U`u: Yeah, you know, being that we meeting once a month, which is great. I like that. You know, sometimes the reading material differs for me. I'm wondering if somehow we could get it a little earlier cause some days I'm just crammed and I just going have to cram in the reading that I have, you know, cause we get one job and one life.

Mr. Fredericksen: Yeah, I didn't check my mail Saturday and so I didn't get the stuff till Monday.

Mr. U`u: You know what I'm saying? So we, pending our work schedule that we could fit it in, if we could get it two weeks early instead of, you know, whatever we get them now, four days or --

Mr. Fredericksen: Suzie, is that --

Mr. U`u: Any way possible? I mean and if cannot, that's fine. We'll make it happen. But -- and really it's not much reading.

Mr. Fredericksen: It would be nice to have an extra couple days if possible.

Mr. U`u: Just in case we get one fat day where, you know --

Ms. Kanuha: Like today.

Mr. U`u: That's -- you know what I'm saying.

Ms. Cua: Maybe I can -- well, the agenda has to be posted six days prior and that's normally --

Mr. Fredericksen: So it can't -- the material can't be mailed until the agenda is posted, is that it?

Ms. Cua: Well, we mail it with the agenda and the agenda has to be posted six days prior to the meeting.

Mr. Fredericksen: So it's posted and then you folks mail it?

Ms. Cua: Correct. No? No, Suzie, you wanna --

Ms. Esmeralda: It doesn't have to be posted six days.

Ms. Cua: Right, it could be posted earlier.

Ms. Esmeralda: But I send everything out when I get everything to be mailed.

Mr. U`u: Okay. Okay.

Ms. Cua: That's the challenge. We can talk about that internally if we can push up that and post earlier.

Mr. Solamillo: How far in advance you're going to want it?

Mr. Fredericksen: I think it would be useful to have it a couple days earlier if possible.

Mr. U`u: Yeah, I agree. A week will be fine instead of four days. We would have it, on the Planning Commission, at least a week.

Mr. Fredericksen: It would be nice to be able to look through it over the weekend cause I, you know, during the week, it's kinda hard I mean to do it but --

Ms. Cua: Yeah. I think we can accommodate that. Yeah, we will look into that.

Ms. Chandler: I have a question.

Mr. Fredericksen: Yeah, Rhiannon, sorry.

Ms. Chandler: In the - I guess it was maybe two or three meetings ago, we talked about that Honoaula was going to be coming up eventually and that we were going to get a lot of reading material for that and that possibly we could review what has happened when that project has come before the Commission before. Is that still a possibility or?

Mr. Solamillo: Ann?

Ms. Cua: Honoaula is me. That's Wailea 670, yeah? At some point when information is going to be ready to come to you from the applicant, we will make sure you get it well in advance.

Mr. Fredericksen: Yeah, like a meeting before.

Ms. Cua: We can try. Yeah, that's -- yeah.

Mr. Fredericksen: Okay, cause there is a lot of material on that.

Ms. Cua: Well, it depends on what's coming to you. I mean --

Mr. Fredericksen: Okay.

Ms. Cua: I have on my desk the EIS, which is about this big, but not the whole thing is necessarily going to come to you, yeah. I think portions of it. Portions of certain kind of reports are going to come to you so --

Ms. Chandler: And I think one of things that we -- we had talked about in the past was that this project has come before the Commission before under a different name, right? And so it's public record, right, the meeting minutes and so I was wondering if we could have those minutes from previous discussions about this project just to see maybe some of the issues that were brought to table back then - kupuna could be gone by now - you know, and that mana`o is not shared this time around but is still important, and so I had requested that, if it is possible, I'd appreciate it.

Mr. Fredericksen: I believe it came before the Commission when I was on it the first time in a different form but it was still, ultimately, the similar project and that's been some time back within the early 2000s, I believe. Any other request or anything? Okay, well, anyone want to make a motion to adjourn?

H. COMMISSIONER'S ANNOUNCEMENTS

Ms. Marquez: Excuse me, just a minor announcement to everyone here, but I will not be here next month. I'm just giving you --

Mr. Fredericksen: Well, thank you for giving us a heads up.

Ms. Marquez: I give you a one month heads up.

Mr. Hutaff: I'm jealous.

Mr. Osako: You might change your mind.

Ms. Marquez: After all this discussion? No, it's all planned so that's my announcement.

Mr. Fredericksen: Thank you.

J. ADJOURNMENT

Mr. Osako: I move that we adjourn the meeting.

Mr. Fredericksen: Any second.

Ms. Sarich: I second.

Mr. Fredericksen: Okay, so be it. Everybody, have a great rest of the month.

There being no further business brought before the Commission, the meeting was adjourned at 4:00 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Erik Fredericksen, Chairperson
Ray Hutaff, Vice-Chairperson
Rhiannon Chandler
Makalapua Kanuha
Veronica Marquez
Warren Osako
Brandis Sarich
Bruce U`u

Absent

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Jacey Laborte

Others

Ann Cua, Deputy Planning Director
Stanley Solamillo, Cultural Resources Planning
James Giroux, Deputy Corporation Counsel