

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
JULY 5, 2012**

** 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, Raymond Hutaff, at approximately 10:14 a.m., Thursday, July 5, 2012, 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).

Chair Raymond Hutaff: Okay, let's call to order the Maui County Cultural Resources Commission for July 5, 2012. Welcome audience and all Commissioners. Okay, Stan, you wanna begin?

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

B. DEMOLITIONS

- 1. MR. BERN BURKHALTER and JILL KLEINHEINZ requesting review and recommendations on the demolition of a plantation dwelling located at 290 Front Street, TMK (2) 4-6-004:010, in the Lahaina National Historic Landmark District, Lahaina, Maui. The CRC may provide comments and recommendations. (S. Solamillo)**

Mr. Solamillo: This house is located at the south end of Front Street in the National Historic Landmark District, and the arrow marks the spot. The Lahaina NHL was designated by the National Park Service in 1962, and amended in 1974. Maui County Historic Districts 1 and 2 were created in 1962 and '71 respectively, and the Lahaina NHL was placed on the Hawaii Register in 1974.

The district was officially noted as threatened by the National Park Service and part of this comes from the continued loss of historic buildings, where conducted without permits, along with insensitive development in the Lahaina NHL, which as caused the National Park Service to officially the district threatened, in danger of losing its NHL designation.

This case was specifically transmitted from SHPD to us and it said, "This property is not within the Maui County Historic Districts but it is within the National Historic Landmark

District. Under these circumstances, the Maui County Cultural Resources Commission must weigh-in on these demolitions. SHPD will postpone any determination of effect until the Commission acts.”

The site which these buildings are located is shown here at Front Street and Aholo Street. The first building is a dwelling. The second building is a former garage, which was converted into a `ohana dwelling. This building may have been moved because after the manager of Pioneer Mill built a new house down at Makila, which became known as Puamana, middle management from Pioneer Mill moved a large number of buildings from Lunaville, which is on the lefthand side of the screen, down to the beach along Front Street on the makai side. And then on the opposite side of the street, there were additional houses. This particular house shows up on a parcel -- let me rephrase that. A house was located on this particular parcel in 1938 because we still haven't found a confirmation that the house was moved at this time, or built. It shows up in a 1960 photograph; again in a 1967 photograph, and these, unfortunately, are the earliest aerials that we have; of course, in 1975.

These were photo forms which were prepared along with an inventory form after the application was received in our office. These buildings show up in a 1945 tax roles and, in fact, there were two garages; one which had been accretionally added to, which is the `ohana that we'll be looking at in a minute, and another that appears to be a garage at the north end of the site.

Like many houses in Lahaina, we've got heavy termite damage and the owner indicates that -- or the owner's rep indicates that the building hasn't been tended for several decades. This is the `ohana.

The occupants of this dwelling included members of the following kama`aina families: Eliza Keanu, Helene K. Akana, and Mary Helen Lindsey Gay. Ms. Lindsey Gay is the first author of the "True Stories of the Island of Lana`i." She married a descendent of the Gay family, the former owners of the island and of Maunalei Sugar Company prior to its failure in 1903.

Demolitions is a big problem for the Lahaina NHL because more than 80 have occurred in the district from 1980 to 2008, and they continue at a rate of 2 to 3 per year. The most recent demolition that this Commission looked at was an altered building, which was on a secondary street, this is located on Front Street, which is the major thoroughfare. And what's been taking place along Front Street, where buildings have been raised, is the construction of incompatible in-fill, which remains a continuing challenge and incrementally destroys the character of the district.

This particular demolition, just in the area that it's located, it initiates the destruction of the last half-dozen NRHP eligible houses at the south end of the district. The Searle house on

the above left was nominated to the Hawaii Register in 2007, and there are several other houses which are all NRHP eligible, and associated with Pioneer Mill's move of middle management to the ocean.

The southern most anchor of the NHL is the Burns-Moir house, which was named "Puamana." Unfortunately, this has been altered to such a degree that it would take a local designation to preserve it as well as a preservation plan to bring back a lot of the alterations that had been made.

Puamana was actually the name for the Farden residents, and the words were written by Charles Kekua Farden, and the music was by Irmgard Aluli, and that tune was written in 1937. It too was removed from Front Street, which is unfortunate because it is such a popular tune.

For 50 Front Street, which was the Kaluakini house, was restored and nominated to the Hawaii Register of Historic Places in 2008, the history only was discovered after we began working on the nomination. This was the house of William K. Kaluakini, 1872 to 1932. He was, at the final years of his life, Deputy Sheriff of Lahaina and Hana, 1924 to 1931, and his listed achievements and service to Maui County and to Hawaii are quite impressive. It too looked like an impossible salvage, and it looked like a tear-down in 2004. It stands proudly today because someone took the time and spent the money to preserve it. This is a more traditional interior. We go to 417 Front Street, which initially the owner came in and wanted to do a tear-down, and it too looked pretty sorry from the outside as well as from the inside. This shows you the opposite end of doing restorations. You can restore the exterior. Anything that's visible from the public view is really what we're concerned about. In this case, the owner went fairly modern on the interior, which is fine. The most important thing was that the exterior was preserved for the public view.

Honolulu Magazine wrote a story in 2008 on the condition of the district, and Ms. Cua was featured, and she concurred with everybody else's findings that we still have threats that go from day to day with people coming in and wanting to demolish structures.

The two buildings that we're speaking of today: The first is the dwelling, it is eligible for listing in the National Register of Historic Places; it is, however, a medium priority building; it is eligible for historic preservation tax credits as an income producing property if it is listed in the NRHP; it is also eligible for a tax reduction as a homeowner occupied property if it is also listed in the National Register. The second building or 'ohana is not eligible for listing in the NRHP.

At this point, I guess we may defer to the owner, and after that, we might entertain public comment. Are there any questions?

Chair Hutaff: Okay, I have one. In the application, it says estimated time of building was 1945. You mentioned, I think, a 1937 possibility the building was built?

Mr. Solamillo: Yeah, we haven't been able to track it because Pioneer Mill did individual parcel maps that showed the actual houses that were moved out of Lunaville to Front Street. And in the 1938 selection that I have of parcel maps and buildings, I can't find this one, so I can't give it an earlier date. It could have one.

Chair Hutaff: Thanks, Stan. ...(inaudible)... the owner.

Mr. Bunt Burkhalter: My name is Bunt Burkhalter. I'm the father of Bern Burkhalter, and father-in-law of Jill Kleinheinz. They aren't here because they are in Okinawa. They bought this -- they plan on returning to Hawaii. Hawaii is their home, and they will return here, although that may be as much as five years. But, in any case, they bought this house across the street, intending to tear it down for various reasons; one reason being the house -- let me give a little background. The picture I show you there is my house, which is directly across the street, and you're looking at an addition, and that garage was an addition, and for the final permit, when the final inspection came, the inspector came and looked at the tag, which was hanging right on the corner of that wall, and he said, "Please show me the garage." And I said, "This is the garage." And he stepped back and looked at it, and he said, "I thought this was the original dwelling." That's the sort of work that I do. I'm very proud of my record with old buildings. I am a member of the Restoration -- Lahaina Restoration Foundation board. I believe in old. I'm old. And before I came to Hawaii, I probably rebuilt eight or ten old houses, many of which were considered tear-downs by other people. We lived in a lake area, and these were old lake homes, and these houses were plentiful. And so I do know of what I speak. That house across the street has never been tented that we know of. It has been treated once with that orange - whatever they do, but it has never been treated with termite -- and it's truly falling down. It would have to be totally rebuilt. You get into the lead paint issue and all that sort of thing. It has to go.

The reason for not just replacing it as is, primarily, is because they would very much like to have a two-story. If they have a two-story, they can look across the top of our house, which is a one-story, and they can see water. And if they have the single-story that they rebuild, then they, you know, they're down there where they cannot. So that's a rather compelling reason for them and I understand.

The house I built next door, 295 Front Street, that was a long and interesting story. It took seven years to get the permit for that one. But, in any case, it is a two-story home. It has a bellyband on it. It has the same rafter rims. As much as I could, I'd -- it has a metal roof, corrugated metal roof. As much as I could, I tied it into the historic look. I believe in the historic look. Old haole camp there. I would very much like to see it preserved, but I would very much like to tear this particular house -- it has to be torn down one way or the other

and then rebuilt in some form, but we would like to tear it down and rebuild it with a two-story house that is still in keeping with the character of the neighborhood. Any questions?

Chair Hutaff: I do. So you plan to build something else on the property if you get a permit to demolish this?

Mr. Burkhalter: Yes. Definitely.

Chair Hutaff: You have plans?

Mr. Burkhalter: Yes. The plans are in the process now but they're on hold until we go through this demo -- demo thing.

Chair Hutaff: Okay. But you have conceptual drawings and all that kind of --

Mr. Burkhalter: Yes.

Chair Hutaff: Stuff that goes along with -- you stated that "it has to be torn down."

Mr. Burkhalter: Well, yes. I think -- I can certainly get a structural engineer. I have some pictures here. One shows the front porch there. There's a four-by-four post and a four-by-four beam put in there temporarily to hold that post up -- that porch up because it was sagging, falling down. The house truly is in terrible shape. The woman I bought it from still lives down the street and she was in it -- she owned it for over 30 years, and I'm not quite sure how long, but she owned it for over 30 years, her recollection was that it was built in about '47, and the person that -- and then she moved out after about I think eight years, or something like that, there's been a gentleman in there renting it for 25 years, he's still in there, so we do know some of the history, the recent history of the house, and there certainly have been no one of any importance in that particular period of time, and according to her recollection, it was built in '47, and it was not brought in, that we know of, the houses -- the two houses next to me on the makai side were Pioneer Mill properties and they were brought in; ours was built there.

Chair Hutaff: And when did you buy the house?

Mr. Burkhalter: The one -- that was bought about one year ago.

Chair Hutaff: So you bought the house a year ago. Have you given any thought to restoring the house?

Mr. Burkhalter: None whatsoever.

Chair Hutaff: Why? I mean you don't have to answer that question. It's just the curiosity to me.

Mr. Burkhalter: Well, okay, I can understand your question but, in the first place, I did not even realize that it was a consideration, to be honest. That was my ignorance on the subject. Having built the house next door, but there was nothing on that lot next door except for a little old non-permitted garage, and so I never ran into this issue when building there in that district before, so I wasn't aware of the implications. Had I been aware of the implications, I probably would try to talk them out of that unit. But the reason for not building that is simply to get the second story so that they can actually see the water, that's the truth of the matter, and it will make the house much nicer to live in. We're planning on putting the living quarters upstairs and the bedrooms down.

Chair Hutaff: Have you talked with the Planning Department to see what their thoughts are on a two-story building on that street?

Mr. Burkhalter: Yeah. There's no problem with that.

Chair Hutaff: Does anybody else have any questions? I've run out of questions.

Mr. Burkhalter: Okay. Thank you. Thank you for your time.

Mr. Bruce U`u: Question.

Mr. Burkhalter: Yes?

Mr. U`u: So the 291 is your house?

Mr. Burkhalter: Yes, it is.

Mr. U`u: And the 290 is?

Mr. Burkhalter: The 290 is my son's and daughter-in-law's house. And then 295 next door is also my house.

Mr. U`u: So the 291, you renovated it?

Mr. Burkhalter: I did.

Mr. U`u: This is the garage portion of the house or --?

Mr. Burkhalter: That, you're looking at the garage portion, which was added on to the house, but the original part of the house is right next door that we just renovated. And the realtor, that was Sakamoto Realty, they honestly considered it to be a tear-down, and the person who had looked at it before us and had actually put an offer in, they had an engineer say that they felt that it was a tear-down, and I didn't tear it down, obviously. And I, you know, like I say, I am a believer in old where I think it's appropriate, but in this case -- in Lahaina Restoration Foundation, we're constantly faced with this choice, is something worth spending the time, energy, and money to save it, and so that's sort of the reason we came in with that decision.

Mr. U`u: So 291 is on the ocean side?

Mr. Burkhalter: It is.

Mr. U`u: And 290 is across the street?

Mr. Burkhalter: Yes. And it, with the second story, it will look across ours and see water; without a second story, of course, it sees nothing.

Chair Hutaff: Have you spoken with Lahaina Restoration Foundation about, you know, maybe doing something with the existing building? I know you said two-story. I know that seems to be something that --

Mr. Burkhalter: No. We have not. The Restoration Foundation has their economic plate full. We just took over another plantation house on Prison Street, the last one up right next to the highway there, and we've just taken over the control of that one, and we're going to save that one and turn it into a, essentially, just a rental house until we, hopefully, we're recoup our expenses out that and at which time then it will be turned into a museum and that'll probably be like ten years down the road, so we're trying to, you know, preserve the plantation era as much as we can, at the Foundation at least.

Mr. U`u: One more question. For clarity, so you're preserving homes but why not this one? Just for curiosity, is it the money? Is it the time? Two-story?

Mr. Burkhalter: Why not preserve this one across the street? Okay --

Mr. U`u: It's a beautiful looking home.

Mr. Burkhalter: Well, let me say that that one home that Stanley showed you down the street that he said, you know, looked like to be in terrible shape and was restored, I did look at buying that house and restoring it, and I have to admit, that I said, "No way could I do that." The man who did it was a contractor from the Mainland, and he came over here, and

he devoted a year-and-a-half of his life to doing that, and bless his heart. He was successful and it made it work. But was it economically feasible? Absolutely not. It had to have been a labor of love to do so. And that would be -- that one -- this particular house, I mean I'm sure I could get an engineer to agree with me that it has to be torn down. Even if it were rebuilt exactly as it is, it needs to be torn down at this point because it's so bad. Just like I say, it has never been tented and you can imagine a building built in '47 that has not been tented, it's a disaster. And then it still has the old post and knob wiring and, you know, it has to be done. And then the two-story rather than rebuild that, the two-story is just simply to make it a more habitable house for them so they can see the ocean.

Chair Hutaff: And you heard the comments too by Stan that, you know, the -- some of the places that have been restored or kept like it was, the front where people could actually see, and then what they did on the inside and what they did where people couldn't see was an upgrade to a modern time, would you consider that?

Mr. Burkhalter: That's sort of an interesting point too because, again, that home that I didn't buy that's so beautiful, if you notice from the angle from which that picture was taken, it's taken from around the corner because they have -- after they went through all that effort, then they put in this massive big stone wall between the house and the road and you can't see the house, and it's on the National Registry as, you know, as an old house. My house, we don't have a stone wall. We invite people to see the house. So, again, no, I don't envision that happening. If we were forced into it, it's possible we would, but that would have to be a decision they would have to make.

Chair Hutaff: Any other questions for the owner?

Ms. Rhiannon Chandler: Thank you, Chair. Okay, so you saw the article that Stanley referred to about how, basically, the historic district is being whittled away. We're in jeopardy of losing the entire district. And the way we would lose it would be by demolishing contributing buildings. So I am just, personally, against buying property in the historic district as demos or sold as tear-down, exactly was your wording. And on a separate note, I actually would rather us, as a Commission, write a letter to -- they have a Real Estate Association, maybe the Real Estate Association doesn't understand that houses in the historic district should not be referred to as tear-downs if they're potentially savable, and that just doesn't sound like a -- I mean it's leading down people down a road that they're not very educated about anyway so they're just going to go along with it, and then you go along so far with it that you just have it in your mind already that you're going to rebuild it, it's going to be two-stories, and it's not going to be anything like the original. So all the Commissioners that have asked questions have already gotten your responses so I'm not going to ask you the same questions again. But I feel very strongly that this is our history that we, here on this Commission, are charged to preserve so we just have -- I have an opinion and it would be different than your, you know, perspective, so I won't engage with

that, but I just wanted to make that statement. And whenever there is a choice to preserve or to, you know, construct as historic, I think we should make that choice and you, as a member of the Lahaina Restoration Foundation, also understand that. Thank you.

Mr. Burkhalter: And I applaud your idea about having the realtors inform people about that because, to be honest with you, it just never even occurred to me and we would have, probably, I'm sure they would have done differently had they known that. But one of those houses you saw was that massive house on the water down there, that -- how that ever got passed permitting, I have no concept. It is right on Front Street. It looks like a -- I'm not sure whether it looks like a jail or a hotel, but it's just god awful and, you know, we have all those McMansions built there along the street, and we have no intention of doing that when we -- when we build a home over there, we intend to, as much as possible, keep it in character with the neighborhood.

Mr. U`u: Question.

Chair Hutaff: Go ahead.

Mr. U`u: So you have three homes in that area?

Mr. Burkhalter: Well, counting my son's, yes.

Mr. U`u: Of that three homes, did you renovate two, so this would be the first tear-down, or the two previous houses you owned prior were tear-down houses also?

Mr. Burkhalter: One was a total renovation, the one that we live in, 291.

Mr. U`u: Total renovation. So you kept it in character.

Mr. Burkhalter: That's -- 291 we bought from Pioneer Mill, and it was a -- it was a renovation, and then we added the garage to it. The next house, it was a separate lot, and there was just an old garage on it, which was falling down, which actually fell down in the process, but so then we just built that home there and it's a very -- it's only a 40-foot wide lot so built a little -- a small two-story, but again, that two-story, as much as you can with a two-story home, we tried to make it look plantation era, old-fashioned garage doors, bellybands, tin roof, the whole thing. And then the house across the street, we never even considered rehabing.

Chair Hutaff: Any other questions?

Ms. Makalapua Kanuha: I just wanted to say something too. First, I just want to say thank you for doing what you've done in the past and helping us, as Commissioners, too because

our Commission is to preserve and protect historical districts and sites, and I guess this question would be for Stanley is: This house does not qualify for the National Historical District for Lahaina? It doesn't qualify, but it qualifies for the National -- I'm sorry, for the historical district, Lahaina, it qualifies for that?

Mr. Solamillo: Okay, the question is: Does it qualify for the National Register?

Ms. Kanuha: Yes.

Mr. Solamillo: Yes, it does.

Ms. Kanuha: But it doesn't qualify for the Lahaina district?

Mr. Solamillo: You mean the NHL?

Ms. Kanuha: Yes.

Mr. Solamillo: Yes. The problem was that the NHL was created in the '60s.

Ms. Kanuha: Okay.

Mr. Solamillo: It terminates based on a 50-year threshold that goes back from 1962, so we've come what? We've got 50 -- close to 50 years now already passed, that means everything from the plantation era, which was not included in the original NHL, now is eligible.

Ms. Kanuha: Okay.

Mr. Solamillo: So this is one of those houses, whether it's '45, when I looked it up on the roles, or '47, as the woman remembers it to have been built, it still would fall within the 50 years, and even though originally it had double-hung windows those were changed out to jalousies, those were presumed to have occurred during the period of significance, so that would still not detract from it in this case.

Ms. Kanuha: Okay. Thank you, Stanley.

Mr. Solamillo: But I got one more thing to add.

Ms. Kanuha: Okay.

Mr. Solamillo: It is a moderate or mid-priority building.

Ms. Kanuha: Correct.

Mr. Solamillo: Okay. So it is not as --

Ms. Kanuha: High.

Mr. Solamillo: If we're going to look at -- we usually divide them out into high, medium, and low priority buildings, okay, so this one is not a high priority building, it is a medium priority building.

Ms. Kanuha: Thank you.

Mr. Solamillo: Low is when you can still see it was historic, but it's been altered. The alterations are reversible. This hasn't gotten to low yet, but it's not high.

Ms. Ann Cua: I just wanna add one additional comment just to make sure, and I'm sure you're all aware of it, but just so that it's clear because I know the public is also watching, but, you know, there is a distinct difference between the Lahaina Historic District and the National Historic Landmark District Boundary, and I think the question was starting to be asked that way so I just wanted to make sure there's no confusion. The building is not in the Lahaina Historic District, which is made of Historic District No. 1 and 2. Historic District, your more traditional older buildings, like the prison, like that. And then Historic District No. 2 are your, basically, your commercial area. But outside of that and up to Honoapi`ilani Highway is your National Historic Landmark District Boundary. So you can have buildings, like this one, that is in National Historic District Boundary but not in the Lahaina Historic District. I just want to make that clear.

Chair Hutaff: And it is, Stan, part of the inventory, as you've stated in the beginning, correct? Am I correct?

Mr. Solamillo: Yes.

Chair Hutaff: Okay. Anybody have any questions for Stan or the owner or --

Mr. Gaylord Kubota: I have a question for Stan. Are there any other two-story buildings in that -- in the vicinity?

Mr. Solamillo: That are original?

Mr. Kubota: That were original?

Mr. Solamillo: No. They were all single-story and the only -- I mean the only two-story would be, actually, Moir's house, which was a plantation manager's house; everything else, I believe, is all one story. If we look at the in-fill properties, however, there's lots of two-story.

Ms. Cua: So maybe if you could expand a little bit, so in the area where this particular demo is being proposed, in the immediate surrounding area, are you saying there's no two-stories --

Mr. Solamillo: I can --

Ms. Cua: There's no original two-story structures?

Mr. Solamillo: I would say that there are no original --

Ms. Cua: Okay.

Mr. Solamillo: Plantation period dwellings that are two-story with the exception of the Moir house.

Ms. Cua: But there are some in-fill?

Mr. Solamillo: There's a significant amount in-fill which is two-story, yes.

Chair Hutaff: Okay, any other -- more questions? Shall we open it to public testimony? Okay, this discussion is open for the public. Does anybody want to make a comment, say anything? I don't see any happy faces so we'll say we're closing the public comment session -- section of it. Commissioners, discussion?

Ms. Richelle Thomson: Because this property is located within the National Historic Landmark District, the Commission can provide comments and recommendations to the applicant and also to the planning commission.

Chair Hutaff: No comments? Chair has one. Go ahead. Okay. Based upon our duties as a Commission, personal feelings, is that we've had other things before us that seemed to have worse conditions and they were still managed to be, hopefully, saved. You know, some of them haven't been saved today. The one that we talked about before, at the corner of Prison Street, up at the top, that was a gift to Lahaina foundation to restore it and do that, and I think that, you know, this particular house we really need to encourage and recommend that it not be torn down and that at least the face of it be restored so that it keeps within the character of the home itself, and that's how I would kinda view where we're at. I do wanna comment though that the owner is, obviously, a very talented man with his

hands and he does seem to care, and, hopefully, this Commission, by their recommendations, can push him into caring even more, okay, to a point maybe that we can save the house. That would be something that I would like to see the Commission discuss further or motion to. Anybody wanna --

Ms. Cua: I just want to add one comment. The process, after this meeting, we are taking your comments and recommendations but it'll be towards a -- the building -- the demolition permit that we've received, so it would be to the Planning Department and to the Department of Public Works. This will not be going to the planning commission. Stan, could you confirm that? Okay.

Mr. U`u: Ray, so in your discussion of what you expressed, what you wanted to do, you are saying that, for clarity, that they break it down and build it, or are you saying save that portion, the front portion, and add an addition that kind of flows with the entrance? What portions are you talking about?

Chair Hutaff: Okay. Actually, let's put it into, again, what I'm suggesting, and personally, is that no demolish, okay. That would be the first recommendation that I would make. If they got down to a point where there was a compromise, okay, at least save the look of the building, its facade, its front, as it faces Front Street, and, you know, at least, at the very, very least, save that. I don't wanna lose this as a piece of the inventory. I don't know what the laws would be if we said, okay, you can keep the front, you can do whatever you want to the back, where it stay in the inventory, but demolishing, to me, would not be something that I would, at this point, vote on, or recommend, or to approve. Any other comments?

Mr. U`u: So now it's no demolish?

Chair Hutaff: That would be my -- but that's, remember, that's me, we all have a say here. We all have input -- to try to get them to, you know, relook at everything, reconsider the two-story part of it, and look at the, you know, restoring that building as a sense of pride of ownership that you have had -- that the owner has had an opportunity to contribute to Lahaina by maintaining that building; obviously, he is on the Restoration Foundation, so I think he kind of understands that it's just can we save this building. Can the Commission save this building.

Ms. Kanuha: I understand. So the recommendation would be to demolish -- to not demolish. Okay. As a homeowner, I feel my recommendation would be at least to -- I just feel uncomfortable saying to a homeowner what they should be doing with their house, and financially, it sets an impact on their families, or whatever the case might be. But I understand what Bruce is saying, yeah, if we can possibly keep the look that has that sense of place of what we're commissioned to uphold. So I guess what I am saying is that, yeah, as much as possible, if we do not demolish the dwelling. But if need be, keep it, the look,

or whatever the new look is going to be, not new, the look that matches a sense of place on Lahaina Front Street is what I'm saying.

Chair Hutaff: Go ahead.

Ms. Cua: In line with your comments, you know, I know we are looking at -- you are looking at the demolition of that building. The department has received plans of what the new structure is intended to look like, and I don't believe you have that, but I believe we have that and we can share that with you, more for your information. I mean, obviously, we're not looking at a permit for that building, but it's just to help you because your comment was, you know, maybe it could look like, you know, we don't know what it's going to look like now. Well, we do have some plans. If you want to see that, we could pass that around and maybe Stan could. I don't know.

Chair Hutaff: Since we're only talking about -- the agenda item is demolitions, I mean I certainly would like to see what the plans are but that's a curiosity. I'm sure that I would admire the gentleman more if I saw that, but I think we're only subject to demolitions as the topic here. Am I correct?

Ms. Cua: Your comments, yes, are -- you're providing comments and recommendations on the demolition, so that's why I made my comments, hopefully, clear that this would just be for information purposes so you can see what is intended, not that you're acting or commenting on that, it's just I don't know if it will help you make your decision or maybe it's not necessary. I mean that's why we don't normally just give it out because, really, you are looking at the structure, in question, should it be demolished, in your opinion, or what are your recommendation. That's really the issue here. So, you know, if you want to look at that, that's fine. If you don't need the plans, that's also fine.

Mr. U`u: Could things I'd like to recommend, or food for thought. Being we get two or three a year proposed to demolish, and all we have is pictures, I wouldn't mind doing one site visit of houses that are proposed to be demo'd so we have a visual in our mind instead of pictures. That's just one. And my second question would be they could let it sit for years and let it fall down, and that would be legal also, so they have that out, and I think they know it too. Thirdly, why is it not going before the planning commission? It must be in the SMA. It's not.

Ms. Cua: It is in the SMA, but it probably would either qualify for --

Mr. U`u: A minor?

Ms. Cua: A minor or an exemption. I don't know. Kathleen, you want to comment? Kathleen's the planner on the --

Ms. Kathleen Aoki: All the other stuff.

Ms. Cua: Yeah.

Ms. Aoki: Yeah. Good morning, Commissioners. That's correct, Bruce. Under the SMA rules, this would either qualify for a minor or we're actually looking at an exemption because it's a single-family dwelling, which qualifies, but because it was located in the National Historic Landmark District, and we got that comment from SHPD, and it's a demo, it got triggered to come to the CRC, but it shouldn't be going to the planning commission. It could, theoretically, however, go to the planning commission if this body doesn't recommend it's demolition and that decision is rendered by SHPD because their comments go to SHPD or they make the decision on whether or not to demo. The approval of the demo. Because the site is located in -- because the project is located in the National Historic Landmark District, demolitions usually require an environmental assessment. However, on our exemption list, they can get waived from doing or get an exemption from doing an EA under certain criteria, and part of that criteria is - and I can get it for you - is getting a structural engineer to say that, you know, the integrity of it is no longer any good and/or the structure is determined to be a safety hazard to the public and environment, but the one thing they have to get is the structure does not have an archaeological, historic, architectural or cultural significance to the historic district as determined by the State Historic Preservation Division, County Cultural Resources Planner, or the County Cultural Resources Commission. And this is within the National Lahaina Historic Landmark District, which is the bigger one, which is where this house is located. So if the applicant has to do an environmental assessment, that would probably go before the planning commission.

Ms. Cua: Or not.

Ms. Aoki: Or not.

Ms. Cua: If the action -- if the permit that is going to be issued is a departmental permit, like an SMA minor, then it wouldn't necessarily need to go to the planning commission. The department could be the accepting --

Ms. Aoki: The department would be the accepting agency.

Ms. Cua: I mean could be the accepting so --

Mr. U`u: And the reason I ask the question is if part of the reason of demolishing older homes and people selling their homes, and I envision my mom or my family members with the house, with all these layers of rules and laws, I would sell. I would not want to go through this process. And here we are righteous, let's save it, and I'm all for saving them, believe me, but it is so hard, as a homeowner, to just maintain and let along be forced

almost into selling because you got these layers and layers of process that you need to go through, so what are we saving? We almost booting them out, to me. I remember saying this day one. You get the old timers in there, which is limited now on Front Street, very limited, and we get these stacks of papers that we need to go through, stacks and stacks, and the commissions, one potential EA, and the planning commission, right, you gotta follow this national code, and you get credits, and I hate for say it, but it's a crock of crap at times if you the homeowner 'cause I would sell it in a heartbeat.

Chair Hutaff: Or if you had the means, you'd fix it and not deal with anything else?

Mr. U`u: Yeah. But you know how expensive going be? I went through the SMA permit for my mom's house. It was brutal. For my house, and I was on the planning commission, and she didn't want to do it. We not even in a historic district. But you add that layer upon layer. As on the planning commission, these people hired Chris Hart and Munekiyo & Hiraga to represent them to do their house. We could never afford that. The typical local cannot afford that, and here we are being righteous when we the ones screwing them at times. I like the keep their home from the original. We losing that because we get these layers. We lost that. So what's important? We get 'em. We tell 'em in here renovate. We just lost the homeowner because I think at times it's the process. So we gotta relook at it because we losing them. We going be out pretty soon. We going get the look but somebody else in the house. Bruddah, when you open the door, it's a different look already. We lost it already. So what do we do? I have no idea. I like them save the house. I believe in ownership rights. I went two-story SMA so I could get one ocean view. I going say that right now. I not in one national historic district but, you know, I believe that the land is so valuable, I go up instead of out. Save my property. But what are we doing when we get all these layers and you get your homeowner selling them, and, yeah, we going write one letter to the realtor. I should go one step further though. Why we selling? Why they selling? Money? I don't know.

Chair Hutaff: Those are all, you know, excellent points and I certainly -- I have to comment that, personally, I get it, what you're saying, okay, and I could be rude and say, well, he just bought it a year ago, okay.

Mr. U`u: But somebody sold it.

Chair Hutaff: And I could be rude and say due diligence. Those are really my opinion and rude things to say because we all would probably have done pretty much the same thing, the same way, for the same reasons at the time, but that's not what we're faced with today. What we're faced with is looking at included property, included home on our inventory and making "not a decision" but a recommendation. If we were making a decision, I'm kind of looking at this like I know what we should recommend as a Commission. And thank God all we're doing is making a recommendation because I don't have to ...(inaudible)... that

you've brought up, okay. Any comments? And I think maybe the -- I think the property had stood up and wanted to say something? You still have a concern?

Mr. Burkhalter: I just wanted to reiterate that I'm sure that a structural engineer would say that that -- I don't think there's a question of renovating. That house could be rebuilt exactly as it is, but I don't think it can be renovated. It's -- I mean it truly is in a deplorable condition. As you walk across the floors, they sag and seep ...(inaudible)... and its day has come and gone, unfortunately. But I can get a structure engineer, I'm sure, to say that ...(inaudible)...

Chair Hutaff: In a way, you could have made our job easier, we can recommend whatever we want, and you he have to deal with it.

Mr. Burkhalter: Yeah.

Chair Hutaff: Okay. Anymore discussion? Do we want to put any kind of recommendation in, or do we want to avoid it, or, Stan?

Mr. Solamillo: I'll try and make your life easier. Okay, the first building, which is the dwelling, a demolition of this property is an adverse effect on historic properties. I think what the property owner should do is show compelling evidence, beyond lack of maintenance, why the demolition is necessary, which would be a structural engineer's report. If demolition is then going to proceed, then we would enter into something called "agreed mitigation," which involves usually Historic American Building Survey documentation and the level of that documentation would be determined by the State Historic Preservation Division. On the easy one, the 'ohana dwelling, the demolition is a no effect on historic properties, so demolition would be able to proceed.

Chair Hutaff: Okay. Anybody wanna make a --

Mr. Kubota: Well, I still have one more comment. I'm bothered a little bit by the second story because when he first brought it up, he said bottom line is he wanted a second story and given that there were no other, historically, no other two-story buildings in that district, even though there are some now, I don't think that justifies doing the second story. So I would suggest that he hold off and reconsider possibly renovating, and on that basis, I would say to deny the -- recommend denying the demolition permit and ask the owner to reconsider renovating the property and, particularly, if he's going to come back again for demolition, to have a structural engineer certify that it is necessary.

Mr. U`u: Is that a motion?

Chair Hutaff: I was going to say that.

Mr. Kubota: Okay, I'll make it into a motion then.

Chair Hutaff: Okay, let me put that into a motion, what your -- your motion is to deny demolition --

Mr. Kubota: Of the main structure.

Chair Hutaff: Of the main structure only.

Mr. Kubota: Right.

Chair Hutaff: Where am I going with this then? Yeah.

Ms. Cua: I believe the recommendation was you recommend denial of the demo of the main dwelling and request that the applicant reconsider renovation of the dwelling.

Mr. Kubota: Right.

Chair Hutaff: Is that, as you understand it, is your motion?

Mr. Kubota: Right.

Chair Hutaff: Okay, does anybody want to second that? Yes?

Mr. Solamillo: There was also a statement that you made about a structural engineering report.

Mr. Kubota: Right.

Mr. Solamillo: Substantiating that indeed the building is not able to be saved.

Chair Hutaff: Okay. Anybody want to second that?

Ms. Chandler: So his motion reads that if -- that we are recommending denial of the demo unless, in the future, he seeks a demo based on a structural engineering report certifying that it's not physically able to rebuild the house. Yes? I'll second that motion.

Chair Hutaff: Any discussion?

Mr. U`u: Say that -- clarity?

Ms. Cua: Yeah, just some clarity. I don't know if he'd need to submit a brand new demo permit. I think it would just be supplemental information to the demo permit that's been filed. I don't want to give anybody any misleading information that they would have to file separate.

Chair Hutaff: Okay. Anymore discussion? Put it to a vote.

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

It has been moved by Commissioner Kubota, seconded by Commissioner Chandler, then

VOTED: recommend denial of the demolition of the main dwelling and request that the applicant reconsider renovation of the main dwelling or if demolition is necessary, a structural engineering report is submitted certifying that it is necessary.

(Assenting: R. Chandler; R. Hutaff; M. Kanuha; G. Kubota)

(Dissenting: B. U`u)

(Excused: I. Ka`ahanui; K. Maluo; W. Osako; B. Sarich)

Chair Hutaff: Okay, I'm in favor of the motion. I don't know where that leaves us.

Ms. Thomson: The motion fails.

Chair Hutaff: Okay.

Ms. Thomson: You can move on to a second motion though. If someone wants to make a different motion, you can move on to that, or you can have no recommendations.

Mr. U`u: I'll just like to -- and I voted no on that because it was almost leading up to the same what would happen here. I'd like to make a motion that we follow the recommendations of staff, which is listed on the board, for the house. But you said no to the demolition permit though.

Chair Hutaff: I believe that says the same thing.

Mr. U`u: Oh, okay.

Chair Hutaff: I believe the motion pretty much addressed that exactly as it up there, just a couple different words, it means exactly the same thing. This is good. Okay. Let's revisit that. The motion was to not recommend demolition unless -- if demolition is to proceed,

agreed mitigation, HABS documentation level to be determined by SHPD, and also to have compelling evidence, which he defined as a structural engineer.

Mr. U`u: So clarity. So his motion was exactly as stated up there?

Chair Hutaff: No.

Ms. Cua: Not exactly.

Mr. U`u: Not exactly.

Chair Hutaff: Not exactly. It doesn't say anything about the HABS documentation or anything else like that. We've kind of left a little bit out there for that.

Mr. U`u: I'd like to make the motion --

Chair Hutaff: Your motion?

Mr. U`u: As stated.

Chair Hutaff: Exactly that?

Mr. U`u: Exactly.

Chair Hutaff: Okay.

Ms. Kanuha: And I will second that.

Chair Hutaff: Okay, anymore discussion on that? Gaylord?

Mr. Kubota: That's for the main house?

Chair Hutaff: The main house.

Mr. Kubota: Fine.

Chair Hutaff: Okay. Rhiannon, are you okay with -- you don't have any discussion? We haven't vote yet. We're not voting yet. Any discussion?

Ms. Chandler: So it says, "demolition no effect." Demolition may proceed?

Ms. Cua: No. No, no, no.

Ms. Chandler: On the bottom.

Mr. Solamillo: That is for the 'ohana.

Ms. Chandler: Oh, okay.

Mr. Solamillo: Let me remove that.

Ms. Chandler: Okay.

Ms. Cua: You want me to ...(inaudible)...

Ms. Chandler: Yeah. Thank you, Ann.

Ms. Cua: Okay, so I'll try and put into words what I believe that you are meaning. So if -- what I understand Bruce is recommending, which is shown on the board, is that the proposed demolition will have an adverse effect unless the applicant is able to show a compelling evidence, beyond lack of maintenance, why the demolition is necessary, and I believe we need to add to that, such as a structural engineering report, and that if that structural engineering report shows that the building is not structurally sound, then there may be mitigative measures -- there would be mitigative measures needed, such as the HABS documentation and the level of that would be determined by the State Historic Preservation Division. Did I leave anything out, Stan?

Mr. Solamillo: No. But in any event, demolition of this building is an adverse effect.

Ms. Cua: Yes.

Mr. Solamillo: So the mitigation is or HABS documentation is to mitigate the adverse effect. So even if you have the compelling evidence, it's still a adverse effect.

Chair Hutaff: Does that fit?

Mr. U`u: Yes.

Chair Hutaff: And it fits your second?

Ms. Kanuha: Yes.

Mr. U`u: We need to insert that language of the engineer, structural engineer.

Mr. Solamillo: Yes.

Mr. U`u: Correct? Okay.

Mr. Kubota: So this means that the demolition permit will be held off and not approved until that happens?

Mr. Solamillo: That's correct.

Ms. Thomson: That's the recommendation.

Chair Hutaff: We are making a recommendation.

Mr. Kubota: Yeah. Recommendation. Right.

Ms. Chandler: But just to be clear, we cannot approve or deny, we only recommend, and DSA will do what they do?

Ms. Cua: That is correct.

Mr. Solamillo: Actually, DSA will wait on a letter from SHPD. These recommendations are transmitted to SHPD.

Chair Hutaff: Okay, let's put it to a vote.

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

It has been moved by Commissioner U`u, seconded by Commissioner Kanuha, then unanimously

VOTED: to accept the recommendation of the Planning Department as amended.

Chair Hutaff: The motion does carry. Thank you, Bruce. If I can make a comment real quick, before we move on to the next item, to the landowner. Thank you so much. I'm sorry we didn't get you what you exactly desired. I would pray that you look for what we've kind of suggested and the reasons why, I know it may not be financially or within what you want to do, but I do pray that you at least take a few seconds to a few days to consider it.

Mr. Burkhalter: I promise that I will conver with my kids about this and we'll come up with some sort of a decision; hopefully, we can come up with a compromise that will make everybody happy.

Chair Hutaff: Thank you.

Mr. Burkhalter: Thank you very much for your consideration.

Chair Hutaff: Okay, is everybody okay? We seem to have a quiet Commission today, except for me of course. Anybody want to take a short break before we move on to the next one? Short meaning 10, medium meaning 15, short break. Meeting is adjourn until 11:30 - 12 minutes.

(A recess was called at 11:17 a.m., and the meeting was reconvened at 11:33 a.m.)

Chair Hutaff: Okay, let's reconvene the meeting. Stan, Workshop.

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

C. WORKSHOP - CONTINUATION OF CULTURAL RESOURCES COMMISSION ORIENTATION

- 1. Maui County Code, Chapter 2.88, "Cultural Resources Commission"; Maui County Code, Chapter 19.48-52, "Maui County Historic Districts"; Maui County, Department of Planning, Administrative Rules, Chapter 530, "Rules of Practice and Procedure for the Maui County Cultural Resources Commission"; and Maui County, Department of Planning, Administrative Rules, Chapter 531, "Standards and Criteria Relating to the Duties and Authority of the Maui County Cultural Resources Commission." The CRC may provide comments and recommendations. Public testimony will be accepted. (S. Solamillo)**

Mr. Solamillo: We have actually been in the process of going to the Planning Committee of the Maui County Council and we've received hard copy today of the proposed changes that came to first reading, so what we're going to do is probably ask Corporation Counsel, Richelle Thomson, to briefly go over the code as it stands today, we left off right before demolitions on our last workshop, and then later in the meeting, we will go in detail through the entire code that's specifically under consideration by the Maui County Council Planning Committee.

Chair Hutaff: Maybe before we do that, if anybody in the public would like to comment ahead of time, we can get that -- you'll still have the opportunity to comment afterwards? No? Okay.

Ms. Thomson: So, as Stan said, we're just going to go through this a bit in an abbreviated fashion and we're going to spend more time later on the current changes that are being considered by the Planning Committee, the County Council Planning Committee.

So we left off at Demolition or Movement of Structures within the County Historic District, so that's Lahaina District 1 and 2, and Wailuku. The CRC has the power to issue a certificate of approval or disapproval for a demolition within the County Historic Districts. As we just saw with the last demolition request, that was for a demolition project that's for a property located in the National Historic Landmark, which is a bigger area than the two County Historic Districts. Currently as it stands, the Commission just has power to recommend actions when you have a situation like we just did. If that property were located within a County Historic District, then you'd have an actual approval authority, so a stronger power.

Right now, kind of moving on from demolition, if there aren't -- you can ask me questions as we go if you'd like to. We can keep it a little more informal. Moving on to appeals. Currently, any action of the Commission is appealed to the County Council. We'll go over some changes there. That's a bit unusual in terms of the typical board and commission appeals process. The remainder of Title 19 goes into specific regulations regarding the historic districts, so its height, setback, allowed uses, and things like that, and special uses. There are some specific approval authorities that the CRC has with regard to selling in public places, such as Banyan Tree Park, and also sign regulations. And that -- that about covers it unless you have specific questions. I think we'd like to kind of defer a more lengthy discussion until later.

Chair Hutaff: Okay, that was definitely abbreviated.

Ms. Thomson: Wasn't that good?

Chair Hutaff: Maybe not. Maybe not. Commission Members, you heard the abbreviated side of the existing law, okay. Are you comfortable with that or would you like to go in a little more detail?

Ms. Chandler: Are the proposed changes to the existing law, I think if we're going to be acting on, most likely, some updated changes, I'd prefer to spend the majority of the time looking at the document that council is looking at. Mahalo.

Chair Hutaff: Okay. Then I would suggest that we, again this is a suggestion, that we take the proposed document as a whole rather than just the changes. Okay? Is everybody fine with that? So what would be the best way to proceed?

Ms. Thomson: Do you want to -- yes, we should probably go through the Director's Report and then take that up as the last item there.

Chair Hutaff: Okay. Procedures, folks. Okay, so we are going to give some time to go over the whole thing as it's been suggested. In the meantime, I think we should move on to the Director's Report, okay, and we will definitely get back to this, item 3.

D. DIRECTOR'S REPORT

1. U.S. Army Corps of Engineers, Maintenance Dredging of Existing Basin, Mala Wharf Landing Project

Mr. Solamillo: Under Director's Report, these are mostly information items. The first item is U.S. Army Corps of Engineers, maintenance dredging at a existing basin at Mala Wharf Landing. This correspondence was received from the U.S. Army Corps of Engineers. They indicate that they're going to be doing the project, and where the dredging is located, and the red arrow marks the spot. This is not an opportunity to comment or make recommendations or thumbs up and down on the project. They're just letting us know that they're here.

Chair Hutaff: I have a question. Does anybody think we should make this an agenda item in the future, if that's possible? Okay. If we could make note of that, Stan.

Mr. Solamillo: Are there any immediate concerns? Ms. Kanuha?

Ms. Kanuha: I just wanna know if our community was, you know, the Lahaina community and the people, are well aware that this is happening?

Mr. Solamillo: I have no idea 'cause I've been getting -- there seems to be a trend working now where we will get these notices, they come after we've got our agenda ready to go, and the comment period ceases before the next CRC meeting so --

Ms. Kanuha: Yes. I'd like to see this on an agenda, please.

Mr. Solamillo: Okay.

Chair Hutaff: I'd like to know the in-depth: What; why; how wide; what they've done to -- or concerns about the currents existing at the time when they do it; what the outcome of currents are going to be; would the fisheries are going to change on this side of the pier. I'd kinda like to know a lot about it.

Mr. Solamillo: Okay.

Chair Hutaff: I think it's something that behooves the public and us.

Mr. Solamillo: Okay. Any other comments on this item?

2. National Alliance of Preservation Commissions Biennial Forum, July 18-22, Norfolk Virginia

The next item is the National Alliance of Preservation Commissions Biennial Forum, which is July 18 through the 22, in Norfolk Virginia, and, essentially, the CLGs have been invited to provide one member, identified particularly as the Chair, and then the Certified Local Governments were asked to provide one staff member. The airfare and attendance is being paid by Certified Local Government funds provided by the National Park Service. This is the one and only time that they'll actually front the funds ahead of time instead of doing it as reimbursement. So the Chair of the CRC, Ray Hutaff, was asked to attend.

Chair Hutaff: Yeah, I certainly wasn't going to turn this down. One of -- just a piece of information. There are a lot of the seminars and forums going on in there that are relative to everything that we do here. The most important one that I've signed up for is how to deal with demolition by neglect, prevention, procedures, and things like that, so, hopefully, we'll put it on an agenda where I can discuss what I've learned and what I found out, and I probably could pass what I've learned on that to Stan and the planning commission if they'll want to listen to me rant and rave prior to that so that we can have some information that we can share with all the Commission Members. So -- yes?

Mr. U`u: I going change my name to "Staff."

Chair Hutaff: To "Staff." You should have done that last week. You'd have gone. We did offer, by the way --

Mr. U`u: Good for you.

Chair Hutaff: Well, we, you know, we did offer, at least I offered that if they wanted to send one more person from the Commission that I could, you know, forward to go on my own. I do have relatives in the Carolinas so -- but they said that, unfortunately, it was only open to a certain number of people for a certain reason, so I did make a very small effort to see if anybody else could be asked.

Mr. U`u: You go, Ray.

Ms. Kanuha: I wonder if we would have local sponsorship, like OHA ...(inaudible)...

Chair Hutaff: Well, right now, the -- what's his name? Mike Gushard, who's the big shot in SHPD or --

Mr. Solamillo: He's the CLG coordinator.

Chair Hutaff: Yeah. Is going and for, you know, me is anything that I understand and I learn, I certainly would be willing to share with anybody and they'd be given this little ...(inaudible)... thing and stuff like that, so, you know, if she approves of me doing that, I'll bring some of that back for you guys to look at.

Mr. U`u: Thank you.

Chair Hutaff: I better. Okay. Cool.

Mr. Kubota: At some conferences, they have tape recordings of the sessions. If that's possible, that would be great ...(inaudible)...

Chair Hutaff: That's, actually, they're going to give this -- what do you call those little things you plug in the side of the computer?

Ms. Kanuha: Jump drive.

Chair Hutaff: Yeah, yeah, yeah. That's it. Of that so it'll be, you know, shareable and stuff like that. I promise I won't be in the picture. Okay.

Ms. Kanuha: Promise to come back and do a workshop.

Chair Hutaff: If, you know, I honestly believe that my goal as Chair is to get us to understand everything that we're supposed to do, how we're supposed to go about it, what our responsibilities are, what we can and what we can't do because I'm not going to be here after March 13, officially. I have to wait a year before I can re-up. I can be on that side. But the idea is to give a foundation, hopefully, my role as Chair is to give a foundation so the Chair can move forward and get things done more efficiently and more accurately and still give the Planning Department a hard time, occasionally ...(inaudible)... and, of course, her. Okay.

Mr. Solamillo: Okay, I'm going to ask that we bypass this agenda item and come back to it. The next agenda item is the actual discussion of the changes to the bill. So, I forgot, this was unannounced, but everybody needs to know July 7, 2012, from 3 to 8, that's the pre-opening party for Ma`alaea General Store. So Mrs. Uno should be there so it'll be good to finally meet her.

4. August 2, 2012 CRC Meeting Agenda

August 2 meeting agenda, Mala Wharf is going to be one of the topics. Any other topics?

Ms. Chandler: Chair, thank you. The idea of writing a letter to the Real Estate Association on Maui, I can't remember their formal name, but I know that there's a -- like a chamber of real estate agents, if we could just write a letter to them just notifying them that there are -- that the NHL exists and that they may be selling houses that contribute to the NHL that maybe they should notify their potential buyers and not refer to properties as tear-downs, potentially tear-downs, because they're going to -- the real estate agent is not the one who has to come here and see us about a demolition permit so maybe that would make it easier for people.

Ms. Thomson: Did you want to add that as a discussion item for next agenda and invite maybe members of the Board of Realtors to participate? That might be a way of getting the dialogue going.

Ms. Chandler: Yeah. Thank you.

Chair Hutaff: And remember they actually have to, so you said, "should." They actually have to notify. They just have to have the information.

Ms. Chandler: Oh, okay ...(inaudible)...

Mr. Solamillo: Any other topics?

Chair Hutaff: She had one, right?

Mr. Solamillo: Mala.

Chair Hutaff: Mala.

Mr. Solamillo: So I've gotta get a representative from the Corps.

Chair Hutaff: And should we go over anything I may have learned or should we --

Mr. Solamillo: No, you can.

Chair Hutaff: Make that part of the Director's Report so they can vote on whether they want, for next meeting, want me to talk that long?

Mr. Solamillo: You can talk as long as you want.

Chair Hutaff: I do. Eat lunch.

Mr. U`u: We go order dinner.

Chair Hutaff: I can talk all day and say absolutely nothing.

Mr. Solamillo: Alright.

Chair Hutaff: Okay. I think we're done with that.

Mr. Solamillo: Now we'll go back to a more in-depth discussion of the bill.

3. 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

Chair Hutaff: I think the best bet, as far as these changes go and deciphering it all, Richelle, I'd like you to do that. Stan, you can sit down and relax.

Ms. Thomson: So the Commission has a couple of different options. We can take a look at Don Couch, Chair of the Planning Committee, has asked the CRC to provide comments if they have any by the 20th, so we can either, you know, I'd recommend kind of going through it today, but if you want to spend a lot of time with this where you have significant comments, you can schedule a special meeting, if you'd like to, you know, sometime -- we have to post it so it couldn't be next week, unless it were a Friday, then it'd have to be the week following so that Ray is present to be able to get it back to them in time. So you have -- you've got two options, you know, so we can I guess probably just go through the changes right now and then we can kind of see how in-depth we're getting, and if it looks like we're going to need a special meeting, then we can, you know, kind of address that as we go, yeah.

Ms. Chandler: Chair?

Chair Hutaff: Go ahead.

Ms. Chandler: On the changes that Council Member Couch sent to us, are they the -- Stan, on the other side, okay -- are they the changes that we made in our workshops or -- 'cause I, from what I understand, some of those were changed before they went up to council from the Planning Department, some of our comments did not make it into the final document? Was that at the last meeting? So does Don Couch's document reflect what we did or does it reflect what was sent to council?

Mr. Solamillo: It reflects what was transmitted to the council.

Ms. Chandler: Okay, so --

Mr. Solamillo: And the caveat for that was that -- here I go blanking out again -- the Council Member who originally spearheaded --

Ms. Chandler: JoAnne Johnson.

Mr. Solamillo: JoAnne Johnson, thank you. Which is JoAnne Johnson Winer now, it was her bill so her staff worked on those changes, so today we're only going to be commenting on the changes, which were submitted to the Planning Committee, acted on, and then had been sent back to us for comment --

Ms. Chandler: Okay.

Mr. Solamillo: Which, by itself, is somewhat out of the ordinary.

Ms. Chandler: I don't have my copy of that original work that we did. Do you have a copy?

Mr. Solamillo: We have copies and I'll defer to Corporation Counsel on how she thinks that we should handle that.

Ms. Chandler: The only reason I say that is because the Chair, at the time, Erik, had a lot of things he inserted into this and now I don't know if they're in this document or if we're going to miss it in our reading because they weren't even our thoughts, you know.

Ms. Thomson: I think probably, you know, unless Stan can get a hold of that document fairly quickly, we might want to schedule a special meeting, you know, simply to have enough time to look at everything and to make sure that if you're providing comments that aren't -- you know, that you either weren't on the Commission or you didn't have -- you don't have access to that final document, you may want to wait, but I don't know if that's able to be produced this afternoon or not.

Ms. Cua: In addition, I think -- I don't think Stan, at the time, was the point person getting all those comments, I think it was Joe Alueta --

Mr. Solamillo: Joe Alueta.

Ms. Cua: And so I think if that's where the Commission, you know, wants to go, we need to get Joe back here because I don't think, in all fairness to Stan, he'll be able to have that discussion as to maybe why something was taken out or whatever. I think, you know, we would have to have Joe here if you -- if that's where you want to go, bringing those comments in. If you just want to go from here, we can do that today.

Chair Hutaff: Can we?

Ms. Cua: If you want to just go, starting from here with no history, yes, we can do that today and just take all new comments. But if you want to, you know, have in front of you what was discussed previously and maybe consider those comments again, or not, you know, we're not prepared to do that today.

Chair Hutaff: Why not? I mean I know we didn't plan on it, but has anybody suggested calling Joe and see if he can rush down here? We can begin.

Ms. Chandler: Yeah. Is he in today? Like if he's in today and he has a copy, that would be the fastest answer.

Chair Hutaff: Because he's been a part of this too.

Ms. Cua: He's not in today according to Suzie.

Chair Hutaff: Okay. That solves that argument.

Mr. U`u: I'd like to make a motion that we schedule a special meeting and if we could secure a date and have Joe present with some of the information requested by Rae.

Chair Hutaff: Okay, why don't we -- why don't we schedule a special meeting now because we're all here, we'll still go over this as it stands now, okay, but what's a day for everybody?

Ms. Thomson: For posting requirements, the earliest day that we could do this would be next Friday, the 13th, and then we're kind of compressed between Ray leaving too because I know you'd like to be present for that, so we'd have the 16th or the 17th, not that it matters, you know, terribly one way or the other because there are people that can fill in for me but I probably can't do it on the 16th and the 17th --

Chair Hutaff: I'm gone on the 17th.

Ms. Thomson: You're gone on the 17th?

Chair Hutaff: That's the day I leave, yeah.

Ms. Thomson: Okay. I'll make other arrangements and I'll try to be here on the 16th.

Mr. U`u: So we going shoot for the 16th?

Chair Hutaff: Monday --

Ms. Thomson: Or the 13th.

Chair Hutaff: Or the 13th. If I can get a commitment from at least these five.

Mr. U`u: I'm open on the two dates.

Chair Hutaff: Okay. Rhiannon?

Ms. Chandler: I'm good for either one.

Chair Hutaff: Gaylord?

Mr. Kubota: 16th or --

Chair Hutaff: Or the 13th.

Mr. Kubota: What's the 13th day?

Chair Hutaff: Friday.

Mr. Kubota: It's a Friday and --

Ms. Chandler: Friday or Monday.

Mr. Kubota: The 16th is a Monday.

Chair Hutaff: So far we've got three for Friday.

Ms. Thomson: How are you?

Chair Hutaff: I'm fine.

Ms. Chandler: Yeah. I'm fine. Maybe Friday is a better day ...(inaudible)...

Mr. Kubota: Friday the 13th.

Chair Hutaff: Sounds like a good day to me.

Mr. Kubota: Friday the 13th.

Chair Hutaff: Yeah.

Ms. Chandler: Alrighty then.

Chair Hutaff: And then that way we can shoot out an email to the other members and see. If we have a quorum, we're good. That's the most important thing.

Mr. Kubota: Yeah.

Chair Hutaff: You're okay with that?

Mr. Kubota: This time we have to be sure we have a quorum.

Chair Hutaff: Yes.

Ms. Thomson: Is the location available?

Ms. Cua: Okay, we just checked. We have a departmental meeting and an all planners meeting, so we probably could do something in the afternoon. We could even start it at noon or one.

Mr. U`u: I was hoping at eight.

Ms. Chandler: Or eight.

Chair Hutaff: Yeah.

Mr. U`u: But that's okay.

Ms. Cua: Cannot.

Mr. U`u: I'm game. Whatever.

Ms. Cua: We're in here from about 9 to 11 or 11:30.

Ms. Chandler: Is another room of this size --

Mr. U`u: How's the 16th then? I mean you know why? It could go long.

Chair Hutaff: We should allow time.

Mr. U`u: You know, so if we go to 12, we're looking at finishing at --

Ms. Cua: The 16th is open.

Mr. U`u: You know, how long we're looking at? I mean if you get 'em at 1 or 12, we could go to 5, you know, that's --

Ms. Chandler: Yeah. Hopefully, we can do the majority of our, not revision, review of the document today and then what they would give us on Monday or Friday would be just the changes to this document that we saw today, yeah?

Chair Hutaff: Okay. Let's make sure, again, we have at least here -- I can be here Monday, not problem.

Mr. U`u: I can go Friday. If it's 12, that's fine. It works for me.

Chair Hutaff: What about Monday?

Mr. U`u: I can either day.

Chair Hutaff: Maka?

Ms. Kanuha: Yeah, Friday is good for me.

Mr. U`u: Okay. We go Friday.

Ms. Chandler: Friday. Friday, but is there another room so we could start earlier?

Mr. U`u: Tiffany's has --

Ms. Chandler: That's what I'm saying, you know, right there in the back.

Mr. U`u: Kidding. Kidding.

Ms. Cua: Yeah, we can't check that right now actually.

Chair Hutaff: Okay. So --

Ms. Cua: So can we just start it at 12:00 so we can confirm it?

Chair Hutaff: Okay. Let's -- how about can we do this, Ann, okay, we confirm for Friday, okay, and preferred time would be 8:00 in the morning, where doesn't matter to us, and if it can't be till noon, then we get it. How about that? So it'll be a compromise on a location.

Ms. Cua: We can try and --

Chair Hutaff: Yeah, try.

Ms. Cua: We can try and find something. It might slim pickings.

Ms. Thomson: Well, and we're going to have to post by today so --

Mr. U`u: So we can go at 12. I'm game. That works.

Ms. Cua: Yeah, I think because we have to post by today by what time?

Ms. Thomson: End of business, I think. It just says six days.

Ms. Cua: Yeah, I think if you don't mind, because we'd have to post by today, if we could hold it for noon, then that would be better.

Chair Hutaff: Perfect.

Mr. U`u: Locked in.

Ms. Cua: Noon on Friday.

Chair Hutaff: Maybe we need to make a motion, or can we just agree?

Ms. Thomson: Make a motion.

Mr. U`u: Recommend a motion to have the CRC on the 13th of July at 12:00.

Chair Hutaff: Special meeting.

Mr. U`u: Special meeting.

Chair Hutaff: Anybody want to second that?

Ms. Chandler: Second.

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

It has been moved by Commissioner U`u, seconded by Commissioner Chandler, then unanimously

VOTED: to have a special meeting of the CRC on July 13, 2012, at 12:00 p.m.

Chair Hutaff: Motion is carried. Okay, let's go.

Ms. Thomson: So if we can just go through this, sort of page by page, and if staff, either Stan or Ann, or either can take notes so that we can make sure that we get our, this body's recommendations or changes. You know, as we go through, we can make our notes.

Mr. U`u: Question.

Ms. Cua: Comment. Oh, I'm sorry.

Mr. U`u: No. Go ahead.

Ms. Cua: I'm just thinking best use of the Commission's time, and I hate to rework things if we don't have to, not knowing what the comments, what we're going to find in the comments that, hopefully, Joe will be able to bring to us, may I suggest that, for today, we just go through what all the changes are, everybody keep their own thoughts penciled in, but we not start going through any changes at this point because --

Mr. U`u: Joe's not here.

Ms. Cua: Yeah, not only that, because we do not know maybe how that section might have been changed and I just think that's just spending time that could be better spent when we have the other information. Is everybody okay with that?

Chair Hutaff: I understand exactly what you're saying, and I agree in concept, but I think we should voice our opinion or concern about the changes anyway, at least voice them, we don't have to necessarily get into a discussion about it, just so that we have that in our minds so when we do sit down and go over things with him, we at least have that already established as a knowledge base and how -- I want to know how you feel about certain things that's here, I want to know how you feel about certain things that are here, okay, and even though some of it may change, we may want to keep it. You guys following what I'm trying to say? Because I don't think it's -- I think she's right about having the discussion, but I think that we should stop and voice an opinion about a certain thing now, not necessarily take a lengthy discussion as to what we should do or why we should do it. Does that sound like a fair compromise? No?

Ms. Cua: It's totally the Commission's --

Mr. U`u: So can I have that again? Ann, what did you suggest?

Chair Hutaff: She suggest that we don't make any comments or discuss any of the changes ...(inaudible)...

Ms. Cua: I was suggesting that you make -- that we go through all the changes and then your individual -- and your Commissioners jot your notes in terms of what your concerns might be but that we wouldn't have the full on discussion on it at this point until we know what was maybe discussed before.

Mr. U`u: So we're going over the new changes or the changes that we already have?

Ms. Cua: No. Only the new -- only what's before us. This is all we can go over today because we don't have the other document.

Mr. U`u: Okay.

Ms. Thomson: So let me give you just from what I understand. The document before you is a compilation of the Planning Department's staff transmission of Maui County Planning Commission, Lana`i Planning Commission, Molokai Planning Commission, and also this body, the CRC, so these comments were combined, not all comments of all bodies made it into this draft, you know, which is something that we're going to compare about, you know, what was sent up previously to what this document looks like now to make sure that nothing that the CRC thinks is critical didn't make it in so we have the opportunity now to make that comment again. But this is a compilation of, you know, of a lot of prior work so this isn't, you know, from scratch, you know, or it's not just coming from one body, it's from a collective. With that said, one of the big changes to the definition section is, you know, redefining "historic district."

Mr. U`u: What page is that?

Ms. Thomson: On the first page. So Chapter 2.88 is the CRC's powers and authority, so that's what establish the CRC and the broad range of authority that this body has. There's some significant changes made here but for the most part, they are administrative, so the CRC was called the -- they had a different name, you know, the name change was corrected.

Chair Hutaff: It was Historic Commission.

Ms. Thomson: Historic Commission. And, you know, different more housekeeping types of changes. In the definition section, again, before we leave there, the Cultural Resources Management Plan is a plan that's identified in your rules, in your admin rules, but I understand that it's quite old, it's from the '80s, and is currently being updated but it has not been finalized. Is that true, Stan?

Mr. Solamillo: It's in the process of being updated.

Ms. Thomson: And do you know the definition that's added here, does it expand what's included in this plan or what are the significant changes as you understand it?

Mr. Solamillo: I think that the definition provided is adequate for a description of the Cultural Resources Management Plan.

Mr. Kubota: I have a comment on the definition section. I think we need to define "cultural resources." It's mentioned, but it's never defined. I think that's something we kind of brought up at the last meeting.

Mr. U`u: I remember that.

Mr. Kubota: So before you talk about the Cultural Resources Management Plan, you need a definition of "cultural resources," and if we're the Cultural Resources Commission, I think we need to define it.

Chair Hutaff: Define "culture."

Mr. Kubota: "Cultural resources." What's a "cultural resource." Trying to define "culture" by itself, you'll have a tough time.

Ms. Thomson: Right. And, Stan, you might have a better handle on this than I do, but "cultural resources" are defined many different places in the state code as well, so state law defines "cultural resources" in EIS law, environmental impact statement law, and also in Chapter 6E.

Chair Hutaff: Maybe we could have that at our special meeting.

Ms. Thomson: Sure.

Chair Hutaff: That definition so we can make sure that --

Mr. Kubota: It fits.

Chair Hutaff: It fits. If not, we make a special -- ask for a special note.

Ms. Thomson: I may have that here. Hang on.

Mr. Solamillo: Preference would be to probably use something that's preexisting, like Chapter 6E.

Ms. Thomson: Right. Well, we can work on that and bring the information to you at the special meeting.

Mr. Kubota: One of the concerns we had was whether the existing definitions, or whatever definition we use, includes fauna and flora associated with the area.

Mr. Solamillo: That's correct.

Mr. Kubota: And I'm guessing it's probably not in any preexisting definitions, but that's just a guess.

Chair Hutaff: Exactly.

Ms. Thomson: Thank you. Good point. I'll look into the state law and I'll bring -- I'll bring the relevant sections, and then we can work on language if it doesn't exist in the form that the CRC feels it should exist in.

Moving on to Section 2, one of the main changes here is -- is defining the membership of the CRC as including persons with demonstrated experience and not limiting it to professionals, and that's important in the context, especially of Hawaiian culture practitioners, that there, you know, there may not be a formal degree that signifies the experience desired.

Mr. U`u: Question. So the underlines is the new?

Mr. Solamillo: Correct.

Mr. U`u: The added, correct?

Ms. Thomson: The underline is what's new, what's suggested, and then the brackets are what's going to be taken out.

Ms. Cua: Mr. Chair, question?

Chair Hutaff: Yes. Go ahead.

Ms. Cua: Can we go back to page 1 'cause I think a huge change is the definition of "historic district."

Chair Hutaff: Yes.

Ms. Cua: Because "historic district," right now, I believe is Historic Districts 1, 2, and 3, and that changes your authority on demolition permits whether something's in the historic district, as you just mentioned today, versus outside of the County Historic Districts 1, 2, and 3 and in the National Historic Landmark District boundary, and so I think it's a huge change.

Mr. U`u: Say that again, Ann. Can you repeat, Chair?

Ms. Cua: The definition of "historic district" that I read here, to me, is a big change in terms of what it is now. Is that correct, Stan?

Mr. Solamillo: That's correct.

Ms. Cua: Because right now, historic districts, in Maui County, is Historic District 1, 2, and 3. It does not include the National Historic Landmark District boundary. What I'm reading here is that "historic district" means any site, building, or landscape that is listed in the Hawaii Register of Historic Places, the National Register of Historic Places, or designated as a historic district pursuant to Chapter 19.48.

Mr. U`u: So what would that include?

Ms. Cua: So does this -- I'm just assuming --

Chair Hutaff: What doesn't it include? That's what we should ask. What are we missing?

Mr. Solamillo: I mean the important thing is that this actually codifies what actually occurred today - SHPD asked for recommendations and comments coming from this Commission with regards to a proposed demolition in the Lahaina National Historic Landmark, okay. That's the federal district. So if someone comes in and wants to demolish a bridge at Mile Post 54.5 on the Hana Highway, technically, they have to come to you. SHPD currently asks this Commission or staff for comments on almost every, in fact I would say every demolition that occurs within Maui County, so this actually codifies what happens in practice. So from that standpoint, I'd say it's a housekeeping measure because we do it anyway. It's just not written down.

Ms. Chandler: So, currently -- currently, as our rules were until this came, we would only be having power over things that were defined as the Historic District 1, 2, and 3?

Mr. Solamillo: Correct.

Ms. Chandler: But now, it includes these elements that may be individual sites maybe like listed properties that occur outside of the district. But you're saying, in practice, these things come to us anyway because SHPD wants to know if we consider it to be historic.

Mr. Solamillo: Correct.

Ms. Chandler: So maybe that would elevate our ability to actually have a say here because it's put now under our power instead of under just recommendations. So I agree with it. Thank you.

Ms. Thomson: It's -- just to clarify though, it's, right now, limited to demolition situations, so you have broader authority within the County Historic Districts, and you have -- when we get further into the demolition section, you'll have broader authority over demolitions in the National Historic Landmark, so the bigger Lahaina national district. It's not -- you know, the definition section is important but, you know, something to point out between, you know, and we might ask Joe about this, between the definition of "historic district," which is, you know, that's limited right now, to our understand, it's the County Historic District 1, 2, and 3, it's Lahaina National Landmark, and then it's anything else listed on the state register or the national register, which can be not, you know, contained within those districts but it can properties. Is that correct, Stan?

Mr. Solamillo: Correct.

Ms. Thomson: Yeah. What's being removed is a slightly broader historic properties definition and, you know maybe we ask Joe, you know, whether the discussion -- or we can look in the notes to whether the discussion was that this historic district was more applicable than the historic properties definition. I don't know why that historic properties definition was removed. But, you know, that's, you know -- I don't think that that restricts your powers, you know, to me.

Chair Hutaff: Well, it's not like we're going to miss something that we've already been having or that we should have that we want to include, right?

Ms. Thomson: Right. Correct.

Chair Hutaff: Okay.

Mr. Solamillo: Originally, I believe, if my memory serves me correct, is that we had defined it broadly as being "Any property over 50 years of age, which is eligible for listing or listed in the National Register of Historic Places or State Register of Historic Places."

Ms. Thomson: And it's the "eligible for listing" --

Mr. Solamillo: Correct.

Ms. Thomson: That's the critical language there because that includes properties that, like today, you know, they may have the qualities that would render them eligible for listed but are not listed, so the property owner has not gone through the process of having it actually listed.

Ms. Chandler: And then I have a question where it says, the part that's removed, "Historic properties means any prehistoric or historic site, building, structure, area, or object of significant in the history" -- oh, sorry, "architecture, archaeology, or culture." Archaeology isn't listed above but just because it doesn't list it, that doesn't necessarily mean that we wouldn't see it. Removing it doesn't preclude us to see any of the things.

Ms. Thomson: I don't think so. When you go further into Section 3, 2.88.060, it's at the bottom of page 2, item no. F, which is the same in -- it's worded the same as it is right now, "The commission shall, must, "provide design review for projects affecting any building or structure, site or district eligible for listing on the national or Hawaii register," so that's where your broad review powers come from currently, and so, you know, whether in practice that could be expanded, but your powers of review are quite broad.

Chair Hutaff: Everybody satisfied so far? Kinda, sort of, maybe? Okay, next.

Ms. Thomson: Under 2.88.060, Powers and duties, page 3, item K, that's a fairly significant change, and that discusses archaeological reports, and perhaps the department can comment on what a development proposal in -- whether that means the EA or, you know, scoping, development proposals, you know, how that's kind of being handled right now.

Ms. Cua: I'm not -- well, a development proposal could mean an SMA permit as opposed to a land use change, like a county change in zoning, so the way I read this is we have an SMA permit, which is a developmental permit, a major permit, where there's an archaeological report, it says, "The commission shall have the authority to review and comment on archaeological reports submitted as part of development proposals to various county agencies." Yeah, I don't know the history of this and so, you know, I'm just kind of reading this, and so I don't know the intent so I would want to get -- we'd have to get back to you on exactly how this would be administered.

Ms. Chandler: Thank you. I'm more concerned, I think, in that section with the -- our ability to see reports. It says, "high concentrations of archaeological sites and burials," what's the threshold of high or low and who makes that determination?

Ms. Thomson: That is something that I would recommend defining further in your administrative rules. So the process from is the County Council is going to be acting on changes to the Maui County Code. Once those changes have been implemented, then this body is going to need to take a look at its administrative rules and there may be things in

the admin rules that need to be clarified and changed, and that could be a place where you would identify what does a "high concentration" mean.

Chair Hutaff: If we kinda look at this, okay, we can read this as review criteria for areas with high concentrations or what if we suggest that it say, "review areas of archaeological sites or burials," period. Do we want someone else to define what's high, or we would like to at least have it come to us?

Ms. Thomson: I think, just to clarify, there are two things happening in this section. One thing, one very important thing, is there's the change of the verb from may to shall means you will, yeah, so a development proposal that includes an archaeological report must come before this Commission for review. The second thing is that the CRC has the opportunity to establish review criteria, so you have the opportunity to make a set of rules for how archaeological reports are evaluated or what the standard is of an archeological report that you feel is adequate or ideal, and then also how to -- how to review areas, how to review projects that include areas where there is a high concentration of archaeological features. I think, like I said before, I think that that's something, you know, that rather than try to identify all the situations where you could expand this right now but to deal with it in admin rules later.

One thing that I know has been brought up at a couple of different times is whether you want to include other things other than archaeological reports, such as cultural impact statements that are part of environmental assessments or EIS, you know, this may not be the proper place to include it, but I wanted to bring that up because I know that it's been discussed here before.

Ms. Chandler: Yes. If there isn't another place that it fits logically, I think this would be the place, and the reason why I say is I've noticed that there's -- in the case of major developments, some come to the Commission and some don't because there hasn't been any language in the past that says that it needs to, it shall, so in this case, I think if we add cultural impact assessments, then for the larger ones, like the Olowalu one, which they actually chose, I think, to come here, it would have come here. So I would say -- I'm going to make a note off to the side, but if we don't have a place to put it, this may be the best place. Thank you.

Ms. Thomson: Another place that that might fit in is the next section L is -- it's basically a catchall, you know, "shall undertake any other action or activity necessary or appropriate toward the implementation of its powers and duties," so if the review of cultural impact assessments is, you know, isn't included in K, you could potentially include it as one of the four examples in L.

Chair Hutaff: On L, again, though we've eliminated the Commission may to shall, but then on the third sentence down, or second sentence down, it says, "More specifically, these may include," and we're taking out "but not limited to," or we're adding "but not limited to?"

Ms. Thomson: We're taking out "but not limited to." It's unnecessary, grammatically. These are -- when you say "may include," you're provided examples of what it may include but it's not a limitation on inclusion. So if something fit within the kind of the broad, you know, shall undertake any other action or activity, that's an extremely broad grant of, you know, of wording, and it leaves it up to you, you know, to your discretion to either by way of admin rules come up with other avenues for expressing this Commission's authority.

Chair Hutaff: And "may," in this particular case, is up to us as a Commission. Okay. Cool.

Ms. Kanuha: That maybe or maybe not or shall.

Chair Hutaff: Yeah. Shall, you know --

Ms. Kanuha: ...(inaudible)...

Chair Hutaff: Yeah. As I, you know, were to look at this, actually most cases we would want to eliminate "may" and put in "shall." In this particular thing, it's about what we may do rather than be forced to do. So we may say, okay, we want to do this rather than say, sorry, the rules say we have to. We're going -- you see what I mean? So this is, in my opinion, a point where "may" actually works.

Mr. Kubota: Yeah, it's a different kind of "may."

Chair Hutaff: Yeah. Okay.

Ms. Thomson: You know, just kind of, you know, a small tangent, you know, now item 5, you know, assist in public awareness and activities, such as educating the real estate profession, the Board of Realtors, you know, regarding their disclosure issues with, you know, with regard to sales of historic -- of properties within a historic district or within the National Historic Landmark.

Chair Hutaff: So, in other words, nine of us can go out and knock on people's doors as long as we make it an agenda item?

Ms. Thomson: Section 4, page 4, the -- one of the discussion items at the Planning Committee, you know, that was quite -- it wasn't a settled topic, I think that it may be more settled here now than it was, but it was the discussion of view plane, and whether the National Historic Landmark includes a large section of ocean, and as Stan pointed out,

that's significant because of the view from the ocean toward the land and toward the entire landscape of the landmark, and so it's not only that the -- the view plane often refers to height and density requirements, but view plane, you know, in this instance, is being defined quite broadly and, you know, this body, the CRC, is going to have to implement this at some point, so view plane is something that you may wanna give some thought to in between now and the special meeting if there are any other ways to define it or to clarify it, or if you feel it is, you know, fine as is and we deal with it further in the admin rules.

Chair Hutaff: Go ahead.

Ms. Cua: I have a question on Section 4, where Section 19.04.040, which is the definition section of Title 19, it says, "it's amended by adding definitions and amending the definition for "director," and so in 19.04, "director" will mean the Director of Public works, but I notice when we were on page 1, and I know it's in a different section, but on page 1, 2.88, "director" means the Planning Director of the County. Can you explain that?

Ms. Thomson: I believe that the reason the "director" means something different in Title 19 is that those are mainly permits that would go through Public Works.

Ms. Cua: So building permits.

Ms. Thomson: Right, building permits. You know, so it's plan review and things that have actual building permits or demo permits, like today was, as was pointed out, Public Works. And also Public Works has, unless I'm mistaken, has enforcement authority over Title 19 issues, and not Planning, and I'm going to look into that a little bit further because I'm not a hundred percent sure.

Ms. Cua: Thank you.

Chair Hutaff: This doesn't seem to be, on page 4, getting back to that view, view plane, okay, we did pretty much establish that any visibility towards the ocean, the mountains, or into the valleys, we're going to talk about view plane a little later on, am I correct? And 19.52.010, Architectural style, where we're talking about making a "B" or something like that?

Ms. Thomson: Right.

Chair Hutaff: But it doesn't -- the definition of "view plan," okay, doesn't include from the ocean to the mountain in the definitions here. Okay, I think that's a minor thing 'cause we are going to discuss it later on.

Ms. Thomson: No, not necessarily. I think that it would be important to make that change, so that's a good one to note.

Chair Hutaft: So we should add that from ocean to I wanna say coastal?

Ms. Thomson: We could say particularly from or toward the ocean, right?

Chair Hutaft: So the coastal view from the ocean.

Mr. Solamillo: View of the coastline.

Chair Hutaft: I beg your pardon?

Mr. Solamillo: View of the coastline.

Chair Hutaft: From the ocean. 'Cause it got real confusing in the planning commission because we're all used to understanding that a view is always outward from the land, and so they kept reading in from, you know, the valleys, and we're going to be upsetting people because now they can't build a two-story house and blah, blah, and, you know, try to get them to understand that what we were talking about in that particular section was from the ocean to the coastline, to keep that pristine as it was years ago as far as historic district Lahaina goes so --

Ms. Chandler: Is that from the ocean out into the ocean or from the ocean up towards the mountain and the valley?

Chair Hutaft: ...(inaudible)...

Ms. Chandler: Okay.

Chair Hutaft: Yeah, including the coastal, you know --

Mr. Solamillo: If I may make it muddier, the views that I've typically shown taken in 1904, at the turn of the century, are the view of Lahaina, the seawall, and how that changes through time, and a row of one-story commercial -- actually, one story until Pioneer Store goes in and we get a two-and-a-half story building, that view. That view is the same today. You don't have a six-story; you don't have an eight-story hotel sitting there. That's a critical point when you visit. When you come to Lahaina, you see the same view that your ancestors might have seen in 1904 or 1899. So I don't know how to word that, specifically, whether it is coastline. Because it is manmade, it's not a natural coast, and we don't want to confuse the issue between, you know, special management area rules and things of that nature as well.

Chair Hutaff: So leave at view from the ocean.

Mr. Solamillo: I defer to Corporation Counsel.

Ms. Thomson: I think that we can look into this a little bit more because, you know, what I think that we need to look at too, when we're reading through these changes, is how are -- you know, take a typical example, like to today or any of the other projects that come before this board, how are you going to use that criteria in your decision making and does the definition help you, you know, does it go far enough or is it too broad, too narrow, and whether you need to make changes so that you're better able to implement the law as it's written. You know, so if you can't understand it, then we need to change it or recommend changes. So I would keep kind of common sense practical, how am I going to implement this law, in your thinking as you're going through this.

Some of the reading, as an aside, some of the reading that I'm doing on view plane protection in historic districts has a lot to do with, you know, as I was saying, setback, height restrictions, things like that. Later on, when we're getting into, I think it's in the plan review, it's new structures, you know, in-fill, that they need to maintain a similar proportion in scale and massing on the site, compatibility with the other structures in the area, building details, architectural styles, things like that, which are, you know, they already exist in the code, but this is the opportunity to change things if they don't work, you know, recommend changes, which is kind of a segway into 19.52.010, Architectural style.

So this is the discussion of all, you know, it's regarding all new buildings, all new construction, and Stan has more information on the Secretary of the Interior Standards for in-fill construction. But, basically, I understand that to mean when you have projects, even such as the one today with the demolition and the likely building of a new structure, it's going to be in-fill, and what are the standards that apply to that and how does this body judge whether or not a project meets those standards.

Chair Hutaff: Okay, I've been informed that the lunch is here, so do we want to go on for another 20 minutes or do you want to just take break and have lunch?

Mr. U`u: I'd rather take a break now.

Chair Hutaff: You'd rather take lunch?

Mr. U`u: You gotta 'em when it's warm, not when it's cold.

Chair Hutaff: Okay. CRC meeting is now going to break for lunch. Why don't we give it till after 1, that's 35 minutes. Is that okay?

Mr. U`u: Yeah.

(A recess was called at 12:35 p.m., and the meeting was reconvened at 1:16 p.m.)

Chair Hutaff: Maui County Cultural Resources Commission meeting is re-adjoined or reconvened - wrong word. Okay. We'll take up where you left off?

Ms. Thomson: Yep. So we left off at the bottom of page 4, 19.52.010, Architectural Style, and we're discussing that, you know, as the code is written now and also as it's proposed, this applies to new buildings constructed within a historic district, with the change in historic district definition, this means historic districts of the county and then also Lahaina National Historic District. One of the main points that was being discussed in committee last week, or earlier this week I should say, is item B, "New buildings constructed within a county historic district and the Lahaina Historic District shall not substantially impair the public view plane including public view planes from the ocean." So that's kind of where we left off and, you know, I think that the committee was, you know, quite -- they were quite cognizant of the National Historic Landmark being a district that extends into and from the ocean, and that the views from the ocean of the historic Lahaina look, the larger district, were very important.

Moving onto Review of plans. The major change here has to do with the CRC's power over demolitions in the National Historic Landmark. Previously, as we saw today, the approval or disapproval of authority does not rest with this body, this body has recommendation authority only, so you recommend to, you know, in today's case, to the Department of Public Works that you do not -- you would recommend that the demolition is not approved, and/or if it is approved, that it's subject to certain conditions. With the change in the law, you could actually issue a denial of that permission or a denial with conditions. So, you know, when and if the law changes, if this passes all the way through council, we're going to need to take a look at your admin rules and setup specific procedures for consideration of demolition permits.

Chair Hutaff: Any questions? Okay.

Ms. Thomson: At the bottom of that page, you'll see it says, "The cultural resources commission may delegate the approval of minor applications to the director pursuant to the cultural resources commission's rules of practice and procedure." There's a little bit of confusion with the word "minor," when you think of minor being in the SMA context, major or minor SMA permits, but what they're talking about here and currently within the rules is a method by which the director can -- which staff can consider permits that are the value of which is 25 -- is less than 25% of the appraised value of the property, and that's only for minor changes, so it would be repair and renovation that's under a dollar threshold, you know, there'll be an independent evaluation. The way the rules are written now though that

if, you know, even if the value, you know, allows it to be considered by the director, if the director or staff feels that it's the kind of project that needs to be brought here, then it should be brought here. And if there are administrative approvals granted, the department has to come to this Commission to report that they have been granted and if the Commission feels that that was not appropriately granted, they can re-hear it. That's how the rules are right now regarding these administrative kinds of permits.

Chair Hutaff: ...(inaudible)... it says, "The cultural resources commission may delegate," which means that we are -- this is saying that we already have that right and that they would have to somehow contact us and as a Commission, we would say, no, that's okay. So they would still come to us before they could make a decision ...(inaudible)...

Ms. Thomson: The way the -- this code is actually fixing what's going on in practice right now. So right now, there are certain minor -- I should say administrative permits being issued by the department that don't come before the CRC, and that's for -- probably Stan can give a little bit more information on what kinds of permits those would be.

Mr. Solamillo: Usually like every roofing, or replacement of wood siding, things of that nature. No vinyl windows.

Chair Hutaff: Right. Okay. So, basically, we're still going to have the ability to receive the information but we can delegate the approval, you know.

Ms. Thomson: Right now there's an automatic delegation happening, so it doesn't actually come here unless it is considered to be a project that needs your review. Is that correct?

Mr. Solamillo: In cases of NHL, because of it's condition, it automatically -- any demo comes here so --

Ms. Thomson: A demo would come here but not like repair, alteration; when it's of a minor nature?

Mr. Solamillo: No. If it's of a minor nature. If someone was adding probably a second story, or something like that, then it would.

Ms. Thomson: So think the change in the code is really -- it's codifying what's happening right now in practice so this, you know, this delegation authority is not apparent in today's code but it is happening in practice, this administrative approval.

One of things that I thought I would bring up is something that I've heard in other meetings and that is at what point do you get your review of plans, you know, do you get it so far down the road that you're really causing the applicant much more time and expense when

you have questions or they're prepared to come here. They don't know what you're looking for. Part of that can be handled maybe in flushing out the guidelines, the design guidelines, you know, and we can talk about how to do that later on. The other thing might be to require a pre-permit application review. They can bring their project here when it's more in the discussion stage. And that, you know, either that can be a code change or it could be a design guideline, you know, kind of offering this to the public, but that's also, you know, it's going to depend on whether you guys are interested in doing that and also whether you have the time and the opportunity to be able to take on that kind of work, which means you'll see it at least twice. I thought I would bring that up just because I have heard that comment several times.

Ms. Chandler: Thank you. Where would we insert that kind of language because I think people do get frustrated because they get so far along in the process that they've got all these other approvals leading up to us already that they feel like we're undoing all their work, and we are, to an extent, so if they could come here first, would that be language, like you said, that would be added to the design guidelines that are, basically, their reference for how to go about the process?

Ms. Thomson: I think you could do it two ways. You could either recommend that the Planning Committee, you know, insert language maybe right after A, Section A, 19.52.020, and, you know, put a new "B" requiring a pre-permit application review by the CRC or, you know, for any of these actions that are going to occur within a historic district. You could insert it there if you felt that was appropriate. Or it could be something that would be in the guideline.

Ms. Cua: Comment. I think from the department's standpoint, rather than taking that route, because it's like another permit application and we've been trying to streamline, because that can make it more cumbersome, you know, you talk about the whole layer thing, so I don't know if maybe we can look at internally, you know, from the time we get the application. See, that's the thing. We don't have control over when we get the application, or maybe that's something we can look at, but I would rather us look at internally what we can do than subject the public to coming twice to just one body, 'cause this is just one body and sometimes they have to go, you know, maybe if they have to go to the planning commission, that's just yet another body. So I understand that, you know, sometimes it is late in the process but for the most part, you know when an application comes to us, it does need to come to the Cultural Resources Commission if we feel it isn't something that through your rules we can do administratively, we get it on your agenda as soon as possible. So I think, from the department's standpoint, that we would prefer to see if we can look internally first before we add, you know, one extra step in the process, but maybe that's something I can talk to the director and deputy about before we meet again on the 13th.

Chair Hutaff: Well, I would -- I think what we're trying to do is be responsible, okay, and I think the Planning Department wants to be responsible too. And we have seen where so much has gone on ahead of time that, you know, all of sudden there's a big issue with the project. If something were to come to us first, now let me underline "something," not everything, something were to come to us first, you know, as for advice, it might deter how they approach it or how much money they put into it or even if they proceed so it might not come back to us twice, more often than not, it still would, but I think in the end, it does streamline the process if the Planning Department could take on that philosophy of, oh oh, you know what? This one may have to go, you know, let's don't go too far, let's go and present it to them, or I have enough information being in the meetings that I can kind of guide through it so by the time it gets here, you know, because it is very, you know, frustrating for both sides for us to go, you know, so you dug up what now? You know what I mean? Rather than time out. You might want to research this place and do this first before you start digging anything up and putting millions of dollars and getting down the road, and the come back and then we're like, okay, you shouldn't have, couldn't have, we -- and what happens is is no one walks out of here happy. We don't walk out of here happy. They don't walk out of here happy. Having that pre, you know, concept of coming in saying, can we get some advice, like Olowalu did, you know, and some others have had projects we've seen where they've come and say do we know who we talk to and blah, blah, blah. That helps them.

Ms. Chandler: Yeah. 'Cause I know I've been like -- I mean I'll use the word "guilted" into making decisions, I know it's a strong word, but at times, you know, they've been through all these other processes that have never questioned the things that we're questioning and really it's not those other agencies job to question those things, you know, which is why it never came up. But I know I have given, you know, votes ...(inaudible)... just on behalf of the person behind the microphone because that's how pressuring the process is. If that can be organized internally, I appreciate that, but I really would like to see them come here before they get all the other approvals if possible.

Chair Hutaff: Yeah. Maybe you could discuss that ahead of time.

Ms. Cua: Yes.

Chair Hutaff: I think we're all on the same side.

Ms. Cua: Yeah.

Mr. U`u: Question. Comment. You know, we kinda piecemealing the situation because we are the CRC, which is -- but there's a whole process prior to us and after that, and I think it would be understanding or I think it would be more educational if we understood the whole

process of what we voting. Right now, we looking at a piece that is like this, but it is actually like this.

Chair Hutaff: Sure.

Mr. U`u: Right? And we keep -- and if every one of every commission keeps adding to that piece, that's where we're at now, and there's the Burial Council, there's SHPD, there's the CRC, there's OHA. What is our boundaries, you know? And who do we overstep, or who do we co-mingle, or who do we delete? You know, and the part as a Commissioner of CRC, and most commissions that I see, everybody overstepping ...(inaudible)... and stretching the parameters of what their jurisdiction is at times and it become cumbersome and convoluted.

Chair Hutaff: And part of that is because it's getting it in the middle. If it's at the beginning where advice is given, then we're giving advice ...(inaudible)...

Mr. U`u: But are we overstepping somebody's boundary?

Chair Hutaff: No.

Mr. U`u: Or are we co-mingling it and adding a procedure that's never been there before and if everyone does that, what we got? You know, I just curious because the process is huge and I don't think anyone here can understand the process on the Commission.

Chair Hutaff: Well, I think you can.

Mr. U`u: No. I can't. No. I know a small portion of it.

Chair Hutaff: And I know --

Mr. U`u: It's unbelievable. And then we keep adding, you know. And I'm all for it, you know. I'm all for comment on the projects and, you know, but what we end up with at the end of the day, at the end of the, you know, the fourth quarter, we extend 'em to a fifth quarter, right, so we keep extending, and the next commission comes along, we're going to extend 'em. I going extend 'em again. And you times that by ten commissions. Or we create news one, which is -- might be coming up in the general plan, we going create new entities to go over and look at all of this. Is it feasible? Is it doable? Is it just? Is it for us, or is it for them, you know? So what we doing, you know? And we not getting one clear answer because, again, we're piecemealing the situation. We looking at a sliver. But we don't, none of us understand the process, the total process.

Chair Hutaff: Sure. I think that's all the more reason to be in front of the game so that at least, you know, they're already coming to us if they have -- if they come a second time or if they proceed with knowing what we're going to ask and what needs to be done, for instance, the wind farm, they got with a cultural individual out there and they moved a lot of their sites because somebody was there going, no, you can't do it here. Okay, we'll move our road. You can't do it here. Okay, we'll move our platforms, okay. If they had gone out there and not had that somebody to give them advice, they would have come to us or come to the Planning Department or Mayor or whoever, and said this is what we're going to do, and we start grading, and all of sudden someone goes, wait a minute. You can't bolt it there. They have a longer time, a harder process, then it'll kick in from more of the Planning Department. We're just asking for a chance to speak ahead of time, okay, to try to help them; it's not to add conditions or anything like that. The pre-process, in my opinion, would be someone saying what do you think? All we're going to do is say we're not going to recommend, we're not going to have that ability. I don't think that that would be the portion of the first meeting. It would be more like, hey, there's a lot of significant sites out there. You might wanna get with, here's a list, and find out where it is before you proceed, and then we've saved them a lot of time, and we've saved ourselves a lot of anguish.

Mr. U`u: And I agree, but it's not us who recommends the road and how to mitigate, it's within the plan of the EIS. It's already -- there's a plan they follow that's not triggered by CRC. It's not us. The plan to move their road and do all of that, it's not us. It's not under the CRC. It's already mitigated. There's measures that they need to follow. So the pre-planning of we telling them to move the road, it's not on the CRC.

Ms. Chandler: Yeah. I agree with you, Bruce. I think, at the same time though, changing the order, not adding any steps, but changing the order. They gotta come to the CRC eventually. If we now, you know, propose something that they never heard of, they went to four other bodies but they didn't hear that thing, especially if it's in the historic district and we're going to make a scene about it, we might as well make a scene up front, you know, so that they can correct those things before they go all that time into the plan and then now have to retract maybe where they put something, or where they invested in something, you know, is it possible to change the order I think was the question that we asked Ann if the directors could address.

Mr. U`u: And I remember, sorry, but I remember we stating that we wanted to now look at the EAs. Remember we said that that we going have something to do where the EAs come to us and we, as a body, going have to decide, right, whether we get the EA and that will be at the beginning of the process, but then again, we got five today out of nine, and the EA going be a boatload of work that we going have to read and be educated about, which I know we capable, but we got five. So if one of us, lucky if we get quorum, and then one of us no show up today, that's four. Then we going be holding back the procedure that we trying to add in that are we capable, yeah we capable, we always going have that positive

and tell 'em, yeah, we get 'em. Can. But look, again, five. Almost no more quorum. And you going get one EA that's 700 pages, two sided. Realistically, it's a tough one. And but we gotta get the core group, but one of us votes no, one of us differs so we don't have the votes. That's adding. But that's the process. There's a part of the procedure where we can have them prior to the bigger projects where maybe we can look at the EA and we can recommend what we want in the EIS or the draft EA, or what have you, but just comments.

Chair Hutaff: Go ahead.

Ms. Cua: Maybe some of what's happening is the type of documents or permits that you review. There are times when you are a reviewing body on an EA. That is quite a lengthy process. There's like, you know, like a 30-day comment period, or if it's an EIS, there's a 45-day comment period. So most of the time you don't feel rushed, you don't feel pressured because the applicant on that side knows that, you know, this is very early on in the process, we're getting comments from not only agencies, you know, government agencies, reviewing bodies, the public. You review those kind of things. You don't feel that pressure. Sometimes maybe you're asked to review a change in zoning application. Again, it's a land use permit. Longer process. Those, I don't think you feel that rushed. What I'm -- and I don't sit at every meeting, but I've dealt with the Commission from 29 years ago when it was the Historic Commission, and I know that, at least at that time, the majority of the permits that they would review was historic district applications, now you review a lot more, but at that time it was historic district applications - if you wanna add to your building or put up a new building - and those, by virtue of when they come in, that's a, you know, that's basically a development related permit. So they're ready to go. You know, they have probably either conceptual plans or maybe they have some working drawings, so they're much farther in the process just because of the kind of permits, they're already zoned, they don't need an EA, you know, so by virtue of that, your time has just, everybody's time, has just gone from this to that, and so I think that's maybe what you're feeling sometimes when you have applicants that are in that situation where they're at the building permit stage, or they're coming in for a demo permit, I'm not -- we can look at it. I'm not sure how much earlier in the process we would get those. You know, when somebody comes in for a building permit, they're coming in for a building permit. There's no pre-process to that. And so I sense that some of what I'm hearing that you feel because you do get the times when you can comment we ran out of time or, applicant, we want you to get back to us with some information on this EA, we'll schedule you, you know, next month. You know, you have that time, whereas, a lot of the permits that you do review, you know, demolition permit or a historic district application, you might feel more of a crunch.

Mr. U`u: Just to add to that, I agree with both of you by the way, that we always at the last to give input and it's already almost a slam dunk deal. So I understand that process, and I think Mala is a perfect example. It's happening and we're clueless about it. So, you know,

just where does it fit in, yeah. But, yeah, we comment last in the game, and I agree with you. It's almost too late.

Chair Hutaff: True.

Ms. Cua: It's more of an awareness on the department side too and, you know, we know bringing things to you as early as we possibly can is very important, and so when we get documents that we know have to come to you, you know, I know that the planners know that you meet once a month, it's not like maybe the planning commission that meets every two weeks, so, you know, there is more of a crunch to, hey, let's look at that CRC schedule right away because you got one shot per month and, hopefully, you get a quorum.

Mr. U`u: Like that Hali`imaile project was perfect, right? We had adequate time to comment on that renovation/rebuild, you know, so you got the time in those situations where they come, they sit down, they share their mana`o, yeah, okay, and they can -- and they use that, and at times it's like --

Ms. Chandler: Yeah.

Chair Hutaff: Two quick small comments. First, as far as a quorum goes, Suzie, when you ask people if they're going to attend, can I get copy of those that say yes and those that say no so I can try, for those who say no, to try and encourage them to come? The other thing is is that it has been suggested, okay, that maybe we meet more often. In the meeting we had last -- the committee had, the Planning Committee, we kinda suggested that we're probably okay at this point as far as being once a month, and the reason that I kinda allowed that go forward is because all of us here signed up for once a month. If it's ever going to get to a point where it might be twice a month, I think that the Commission Members should be notified of that before they apply that it may go from once a month to twice because some people can make it, I can make it, but it doesn't mean that everybody can make it, and so we need to go down that road. So, just to let you know, I'll try followup on the quorum issue and also if there's going to be a suggestion again that we maybe meet twice a month, we need to give everybody some time to be okay with that. Go ahead. I think we can go on.

Ms. Thomson: I think so. This relates to it. Then the next page, page 6, extends some of your review deadlines and that, specifically, say that you can have enough time, if you -- and I think this, you know, I wasn't here for the prior discussions, obviously, but it's probably addressing just the situations that Ann was suggesting, you know, where you don't have sufficient time to either review it or you want more information from the applicant and the current deadlines tie you into a decision making time frame that doesn't allow people to come back if you want them to come back. You don't want to deny their request but you

don't have enough permission -- enough information to go forward on it. So that is what I understand to be behind those, the changes in the time lines.

Chair Hutaff: Questions?

Ms. Cua: So under page 6, item C, the director that they're referring to there is the Public Works Director and that's the filing of the building permit application, correct?

Ms. Thomson: Correct. Yeah.

Ms. Cua: Yeah. And we know that it's -- that was one of the things I questioned initially, the definitions have been changed, so now -- or they've been amended to add "director" means Public Works Director. And again, this goes back to my point I was just making. A lot of the applications that you get or that come to you is via a building permit application. For any of you that have gotten a building permit application, you usually have plans ready to go that if that building permit application got approved, you could build it. You could build it tomorrow. So very different from you looking at something, at an EA, which they have no idea, in a lot of cases, what something's going to look like. It's very, very conceptual, and I think that is the basic difference in terms of sometimes when you feel that crunch.

Chair Hutaff: Comment.

Mr. U`u: Good point.

Chair Hutaff: On the -- it says, "filing of the application," okay. Down further it says, "submittal of a complete application." I think it would be really good if we put "complete application" in there. The committee was concerned about the 60 days, just a heads up, because it was stated that, you know, they're trying to make things move along quicker, okay, and I was able to, I believe, at least have them listen to me, they had to, I had the mike, that we were just trying to prevent something from being approved without us even hearing it or have questions for the applicant that they needed to go back to go get the answers for. In that, I also found out that the Planning Department reaches out to the people, kinda let them know what to expect for the CRC so they come fully prepared, but the 60 days, you know, there was mention of 30 days, and I think we've kind of got them on our side as far as 60 days but that's only the committee, that's not the whole body of the council, but I think that we should at least have in there "filing of the completed application" because that makes a whole difference in time. Somebody could fill one out with their name on it and, all of a sudden, we've got 15 days or whatever they decide.

Ms. Thomson: I think part of the reason that you don't have completed application, and, you know, I can check on this because I don't now, that you don't have completed application in C but you have it in F, the difference there is that C dictates when it appears on your

agenda. It has to appear on your agenda within 60 days of being notified by the Public Works Director. Prior to the, you know, the application is filed, and, you know, as you said you could have a completely, you know, a one-page application but that doesn't meet any of the requirements, but the department is going to work with the applicants to make sure that their applications are complete before they would send it up here to waste your time. If you do get an application that may be complete from a Public Works standpoint but not complete from a CIA -- from the Cultural Resources Commission's standpoint, then you can deny it or you can, you know, request further information, you know, defer to another meeting and request further information, things like that, so that's -- if none of those things happen and you don't act on an application, so you have it and for whatever reason you failed to either approve or disapprove, then there's an automatic approval under F. And the reason that, from a legal standpoint, the reason you need that complete application language is so that there's a date certain. The Public Works Director actually usually sends out a letter that your application is complete, you know, as of X-date because it triggers a number of different deadlines including this one.

Ms. Cua: Comment. Yeah. I see what you're saying. Interesting though, it almost seems like C and F could conflict with each other because I remember I was sitting in this room when the Commission, in fact I think it was the department that stressed the importance, in F, of stating that we needed a complete application before we can -- before we can bring it to you. Same thing when we go to planning commission. You know, people submit applications all the time, but is it ready for us to bring to you? A lot of times no, it is not. So F is great. F needs to be written that way. C makes me nervous just because this is saying you have to, you shall meet within 60 days after Public Works -- after we're notified by Public Works that an application's been filed. We have to meet. This is saying whether you're ready or not.

Chair Hutaff: Yeah, somebody has it at 15 days.

Ms. Cua: So I don't know if -- it seems to be in conflict. F says what we need. We need a complete application.

Mr. U`u: Correct.

Ms. Cua: And so maybe we --

Ms. Thomson: I think, you know, and that's a really good point. I don't -- there probably isn't anything wrong with changing -- recommending to change C to be "submittal of a complete application." One of the things, from an applicant's standpoint though, is me, being an applicant, might feel that my applicant is complete, you know, even though they're being told by a department you're not complete because you don't have X, Y, and Z, and so I don't know if there may be some reason that we need to leave C alone but I'll take a

look at that and ask some questions and see if I can't give you a little bit more information on that.

Ms. Chandler: Yeah. I agree with Ann in that it was a point of contention, I think, on a couple different issues where the applicant had said but I put my application in, you know, and then we were in this like limbo as to whether or not we could actually act on it. So I -- if it helps and does not hinder anything to add "complete," I would be in favor of doing that for C.

Ms. Cua: Can I ask question? I wonder if -- I think F pertains to historic district applications.

Chair Hutaff: Yes.

Ms. Cua: Which have a checklist that is very clear to everyone as to what do you have to submit for it to be complete. I think C is just referring to the fact that they filed a building permit application, which we don't have a -- we're not the ones that assure that Public Works has everything they need and that's why I don't know if putting "complete application" in C would do anything. I think C and F, and that's maybe what needs to be checked on, I think F is meaning --

Chair Hutaff: Historic.

Ms. Cua: The historic district application that needs to be filed along with the building permit application, and that is what we need to make sure meets the requirements of the checklist and that is complete before we bring it to you. The first C is just saying when Public Works gets an application, and they let us know, we have to schedule within 60 days.

Ms. Thomson: Right.

Ms. Cua: I think they're meaning two different things, but I think they are -- the timing is causing conflict, I think.

Ms. Thomson: It could. I'll check on that a little bit more and maybe we can discuss that again.

Chair Hutaff: Anymore comments, questions? Okay.

Ms. Thomson: The next Section 11, it's changes to 19.52.050, it says, "Demolition or movement of buildings or structures" in the historic districts. That means the County Historic Districts and the National Historic Landmark. So that's a very significant change in your powers and you'll be giving approval or disapproval authority over permits -- permits for demolition, such as the one today, which was in the National Historic Landmark but was

not within the historic district. So you won't be recommending anymore, you'll be giving actual approval or disapproval.

A couple of things I wanted to bring up, and these are discussions, kind of notes on discussions, deterioration -- preventing deterioration by willful neglect is something that's, you know, that's discussed. You know, whether or not that needs to fit into the permission to demolish, you know, whether and how that fits into something that you might want to think about. The other thing that came up in today's request was, and this is in other -- other jurisdiction have similar kind of requirements, where they require, at the same time a request to demolish it present, you're also presented with what's going to be there, so you're presented with the plans for the replacement structure, and I don't know if you want to go that far, but it's something I wanted to toss out because it relates to this topic.

Chair Hutaff: Real quickly. The class I'll be going to is going to address demolition by neglect. The committee is going to have another meeting on the 30th, is that correct?

Ms. Thomson: Yeah. They'll have a meeting on the 30th.

Chair Hutaff: Okay. And that's not enough time for us to put it to make a response about what I'm going to learn; hopefully, I learn something, and the next Commission meeting. So maybe at the end of this, I'm going to ask permission from you to speak on what I've learned even though you won't have a clue as to what I'm saying. Again?

Ms. Thomson: One of the --

Chair Hutaff: It's natural, Rae. I mean --

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

Chair Hutaff: Yeah. Well, you know, I don't -- I would like to be able to speak for the Commission if I've learned something that's strong enough; at the same time, I'm hoping that I'm smart enough to say, you know, this is my personal opinion and I'm going to bring it up with the Commission if it doesn't really fit, so maybe we keep going through this but kind of keep that thought in mind that I am going to ask that question because some of it might help the committee and the council if we have specific information on how to do things to prevent demolition by neglect because I don't think anybody likes that.

Ms. Chandler: Yeah. No. We don't like it. So it's unfortunate that that training is after we have to get the comments up to the council so --

Chair Hutaff: It won't be. Oh yeah, after -- after the 20th, but there's another meeting on the 30th I heard.

Ms. Thomson: Right. Well, and a couple of things to keep in mind, this is the -- it's the Planning Committee and once it passes out of Planning Committee, it's going to go to the Full Council, so there are further opportunities to be present and provide information, it's in a different scope. The Planning Committee is asking for your specific recommendations on the laws that's written so some real nuts and bolts. But you can provide other information as this goes through the County Council process.

Ms. Chandler: I have a question about your words were "willful neglect." How can we like -- how can they prove that their neglect was not willful, you know, like -- I mean because they're going to come and say I didn't have money to tent my house, you know, and so we don't know if that's true or not? You know, it probably isn't true, honestly, you know, if it was going to save the house and it's going to cost them all this money now, that maybe if they would have known, but we won't be able to discern that.

Ms. Thomson: Yeah, and I think that's really true. Stan, do you have information on how other jurisdictions handle demolition by neglect and what comes right before that?

Mr. Solamillo: I would have to look into that. I mean I have personal experience where certain landowners in Maui County have told me that they will not spend a darn dollar on X-building and they will let them fall down.

Chair Hutaff: That was stated in a public meeting.

Mr. Solamillo: So -- but anyway, but I'll look into it to what other jurisdictions are doing.

Chair Hutaff: The state defines that, okay, because -- "willful." Okay. Usually the procedure is, and I base it upon an event that I know about, somebody used that event, an empty lot that's overgrown, people are dumping inside of it. The state comes along and issues the landowner, you know, you have to go clean this up, okay, and you have a certain period of time, and that certain period of time goes by or prior to that, usually 15 days before that time is up, they go back to the landowner again and say, reminder, you have until this such date, and that's usually like 60 days. The 61st day, that's considered willful. Now you can be fined. You can have your land assessed. You can have it taken away from you.

Ms. Chandler: And I think that the beautiful thing about that is that you set it -- set a start date and then there's, you know, a time period that ends after that. We're actually going back into the past where they have to tell us, over the last like 50 years, you know, if they willfully neglected to termite, you know, or something where I feel like there's no -- I want that language in here, but I'm trying to figure out, once it is in here, what really is it going to do for us to reinforce it or how can we make it stronger than just our definition of willful.

Chair Hutaff: We may not be able to do anything about the past or do much about it other than jump up and down and go hey, hey hey, but jumping up and down and going hey, hey, hey is better than what's being done now, then having something for the future is, you know good for the future.

Ms. Chandler: So under 1, in this section, where it says, "deems the building or structure to be a hazard to public safety or health and repairs are impossible," can we add something to that sentence that says that -- 'cause these are authorizations, these are criteria to authorize a demolition or moving of building, but if we could add to that "as long as there is no demonstrated willful neglect of prevention."

Ms. Thomson: Why don't -- I think Stan and I can probably look into a couple of options, and whether it fits here or whether it fits in some other section, if you are interested in some more information on that, we can look into it. Yeah.

Mr. U`u: Just a comment. You know, houses don't last forever. Fifty years is long. And I don't know, willful, unwillful, but your house get one life span, and when you dealing with termites, you dealing with sun, wind, rain, salt, you know, I don't know how -- you know. And so we say "willful," but then they go change their windows. Now it's not. You cannot. It's deemed different now because they made some changes that was, in their part, to bring it up to par, but now it's not qualified so, you know, the house get one life span. My grandmother's house is 50 years and we did the flooring, had 21 layers of roofing -- 21. You can hold them to 'em as long as can but you gotta put in a bunch of money. I mean a ton of money. And that's why I went broke 'em down. So was it willful? Well, you know, we changed some windows, we made an addition, we changed the flooring to make it -- we went band-aid fix it is what we did. Right? Well, we get another ten years. We get another five years. But, you know, your house has a life span, and 50 years is pretty incredible. So how do we get them to malama the house for seven years? I tell you what - cost money. And then when they do the band-aid fix, it's not eligible to be saved because they went replace the windows or they redid something that took away the original characteristic that made 'em, you know --

Chair Hutaff: I agree. Mine was built in 1928, and added on seven times since then, which makes it ineligible for anything.

Mr. U`u: You know, it's just we like save the houses and, you know, but then again, your shelf life, house life, like human life, so when we get old, we get wilted, yeah, you know, you fix the leg, you fix the back.

Chair Hutaff: But as part of, you know, what we learned today a little bit is that, you know, it's the site of place, you know, what is viewed from what, you know, qualifies it being in a

historic district and that beyond that, it's like the, you know, facade of a building doesn't necessarily mean the whole building; it just really means the facade. Go ahead, Stan.

Mr. Solamillo: I just got an observation. I don't talk a lot about my past, what I did on the Mainland, but one of my first projects, just out of college, was working on a house that had been built in 1811, and it was a log house, and it had lots of termite damage, but we saved it, and it's -- it's really all about will. You want to save or you don't want to save it. I've heard horror stories, you know, like, you know, thank goodness we saved Kalaniana'ole Hall on Molokai because it's the only other royal order hall in Hawaii, the owner come in ask for a demo permit, a demo permit on the only other royal order hall in Hawaii? It comes down to do you want to save it? Look across the street at the church. Do we want to save that church? Do we want to save that steeple? If you want to save it, you will do whatever you can to save it if it means something to you. It's tied to your `ohana. It's tied to your history. Tied to your sense of place. Once we forget that, it's all over.

Mr. U`u: You know, and I agree, Stan, but still going cost money. You know, it's not their will, you know, that's why some of these guys selling. They no more the money. You know, and I agree. If you have a love affair to make that a priority in your life, to fix it, like the guy said, you know the Lahaina one? Heart and soul - year-and-a-half. But not everybody can do that for a year-and-a-half.

Chair Hutaff: But our hope is to find somebody who will and to encourage --

Mr. U`u: My hope is to keep the original owners in there.

Ms. Kanuha: In the house.

Mr. U`u: That's my hope. Not for them sell them and someone else do. That's not my hope. Never was. Never will be either.

Chair Hutaff: And there's, you know, ability for to have them keep the place up because, like you said, 21 layers of roofing, obviously, that was --

Mr. U`u: Heavy-duty.

Chair Hutaff: Boy, that roof gotta be strong. At least we know that the --

Mr. U`u: It sagged a lot.

Chair Hutaff: Yeah. But even like our house, which was built in 19, you know, 28, the foundation from 1928, you know, it's post and pier, it's still there, okay, and it's because of the fact that everybody added on to the house to make it, you know, better, and it was the

upkeep of the house that made it worthwhile each time and I think that that's the encouraging people to know what's available to them to keep the places alive and to do the proper maintenance on a house, you know, even to a point where, you know, we can have people come in there and say this how you maintain your house, you know, because I just found out I'm supposed to maintain my ice machine every six months and I've only had it for six years. You know what I mean?

Ms. Chandler: No. That's the thing. Education.

Chair Hutaff: Yeah. That's the thing. It is in part of our duties and things like that that's what we're kind of supposed to do. So everything you're saying is a hundred percent. You are a hundred percent right, but take each one of those things individually and try to come up with a solution, we may not be able to solve the last 50 years, but we can help resolve the next 50 years. You know what I mean? And we gotta do the best we can. So those are things that you need to constantly bring up to us. Okay. Are we still going?

Ms. Thomson: Sure.

Chair Hutaff: All awake?

Ms. Thomson: Moving on to the next page no. 7, up at the top, B, just to complete the changes of this section. This change, it's a very significant change. Included in the definition of historic significance are structures and sites within any historic district, so within any county or the National Historic Landmark, more than 50 years old. So this draws in a lot of properties that would not previously have been considered. The 50 years old is a reflection of state and federal law.

The next section, Section 12, basically states that variances and appeals will be heard by the Board of Variances and Appeals.

And skipping ahead, there's not many changes that aren't just of a housekeeping nature through Section 14, so unless you have any questions on that, I wanna go to the very end of Section 14, on page 10, item H. My understanding is that JoAnne Johnson Winer brought up preservation of mango trees, specifically, that there are some very large important trees in Lahaina that, you know, she would like to -- she would hate to see being cut down, you know, in the face of development, so I think that that was kind of, if I'm understanding correctly, that might be the genesis for this particular section.

Chair Hutaff: She did, you know, call me because in the committee meeting, there was question as to what she was talking about. You know, where did this come from, especially when it says "many fine trees," and how did she come up with, you know, "sixty inches as measured at forty-two inches above the ground," and I thought I remembered her talking

one time, or us, having -- come before us for a mango tree that was cut down on Lahainaluna Road, and there was about eight or nine mango trees, or three or four, they looked like eight or nine, you know how they get big, you know, and her thought, because I'm like, you know, well, okay, mango is fine but it's like kind of invasive, you know. How do you justify that being important other than -- it is a character of Lahaina, the mango trees, okay. It does provide shade, okay. And we kind of laughed because the mango trees were torn down to put up a parking lot, which there's a song about, okay, and also the banyan tree. The banyan tree is protected. We ain't never going to -- we can't even carve our initials on there anymore, okay. And `ulu trees are protected in the historic district. But she was saying that many other trees along Front Street she has pictures that show have been torn down to make room for this and make room for that, and that's kinda what she was talking about. "Fine trees" she defined as healthy, okay, is what she actually meant by that. So all trees in the Lahaina Historic District that measures this thing based upon her analysis and everything is what we should take care of for the many different reasons the tree is there, okay. And I think she's going to write a letter to the committee to explain that to her -- to them.

Ms. Chandler: Yeah. It would be good if she did that. I think just for the layperson and also the people that would think that the Arborist Committee would hear this kinda thing, but Arborist Committee takes action on county property, so parks and county facilities. They don't always jump in, you know, in situations like this, but they do when the community has an outcry, like, you know, cases along South Kihei Road.

Chair Hutaff: And outcries are almost always after-the-fact, you know. I think the on South Kihei Road was lucky because somebody knew they were going to cut down the trees because they were fixing the concrete first. The main trees have been cut down in Kihei. So but that's where this came from and she's going to define that for --

Ms. Cua: Chair?

Chair Hutaff: Yes?

Ms. Cua: I don't know if anybody, you maybe know, what does "historic area" mean in that?

Ms. Thomson: I circled that and I think I would recommend changing it to "district" so that we're clear that it's just trees within the boundaries that we're talking about.

Ms. Cua: Yeah, Historic District 1. Yeah, that is like really important.

Ms. Thomson: Something else that Elle Cochran brought up in the first committee meeting, and she was not present for the second so she couldn't clarify her thoughts when we got down to this section, many trees that would be significant from a cultural standpoint aren't

that big, you know, so I think she wanted -- she probably would appreciate some information from the CRC, if there's any expansion of the many fine trees, you know, to include trees that are not -- they're not that large but they may be significant for other reasons, you know. You don't necessarily have to do that in the code, you could do it in guidelines, recommended plantings, you know, suggested landscaping, things like that, but if you wanted it to be a law, it would need to be in the code.

Ms. Chandler: Yeah, and I think we don't have quorum at the moment, I don't know if we can keep discussing this, but maybe if you added trees over a certain age because native trees over a certain age would be significant maybe even though they don't get to this diameter of 60 inches.

Ms. Thomson: And if you were going to list native trees, would you have to list them by species, so --

Ms. Chandler: You have to list them all?

Ms. Thomson: No. I don't know. I mean that would be a question. I think we would have to do it in the admin rules if we ended up saying, you know, native trees and the trees over a certain diameter.

Chair Hutaff: And Councilman Victorino also was in favor of endemic plants and things like that. So I think having a -- some wording in there that make sure that we, you know, say and including endemic, you know -- I don't know. Should we pick a time that they've been planted or can go out there tomorrow and plant it and the law will cover it right down the middle Front Street?

Ms. Thomson: You know maybe that's something that everybody can think about in between now and the meeting next week, you know.

Chair Hutaff: Okay. Good.

Ms. Kanuha: And I wanted to make a comment too or just share. I did get a phone call too from Planning Commissioner Sablas and her too, she talked about the trees, and after the bypass was actually put in, there was -- not realizing how many trees were actually removed and now we got the highway, so she too was wanting to kinda add to --

Chair Hutaff: That?

Ms. Kanuha: Yeah. Add to that.

Chair Hutaff: Okay. Maybe she can address the committee on that too and --

Ms. Kanuha: And also like enforcement.

Chair Hutaff: Yeah, because, you know --

Ms. Kanuha: Yeah.

Chair Hutaff: We --

Ms. Kanuha: How do we enforce it? And she just was sharing how the Lahaina Restoration and I guess prior to her, because she was one of the commissioners for CRC a while back, in the beginning, and for the historical district, they actually had a parking lot, and the revenue that's generated from the parking lot actually allows Lahaina Restoration to have someone that does the enforcing or make sure that everybody is in accordance in the ordinance and that's not the right color that you have on your building, you need to take that color off and put this color, so her concern was about enforcement as well. We can implement all of these things, but how do we get the enforcement part?

Chair Hutaff: I would, you know, part of my letter to them, and then I'd like to make a Commission letter if possible, addresses that, and if, again, you could ask her to reiterate that. And as far as that little four-lane highway that was two at one time, you know, that we had approved certain trees down that median and they've never been planted. So there's another issue that I don't know how we're going to resolve it, we certainly can't talk too much about it now, but it's something for food for thought where, you know, we approved it with provided they put in certain trees, and it never got done.

Mr. U`u: Where was this again, sorry?

Chair Hutaff: Down the middle.

Mr. U`u: Right. Right. Right. I remember ...(inaudible)...

Chair Hutaff: That was `ulu. They talked about `ulu being planted because there was discussion what happens if the `ulu falls down, don't worry, the Samoans will come take it. You look down there now, there's no -- there's no tree. All the trees that were taken away, okay, that was sort of like it's going to be done, you know, we're going to lose some trees, but here's a way to keep it and keep it in the theme of Lahaina, which was known 400, 500 years ago for its `ulu, and it never happened.

Mr. U`u: It's a tough tree to maintain ...(inaudible)...

Ms. Thomson: The remainder, Section 15, I would just categorize those as housekeeping changes in this part so --

Chair Hutaff: Okay. Believe it or not, we're -- no, we're not done, but any questions or -- before we --

Mr. U`u: Seeing none.

Chair Hutaff: No. We got one more item, and I'm beginning to wonder if this is a good idea, we probably should -- and that was the letter that I put down there as a draft, I've already sent that letter to the committee, the only thing I did with that, the difference is I changed all the I's, me, to we's, okay, so it would be a letter from the Cultural Resources Commission, if approved --

Mr. U`u: That's that letter? Oh this one?

Chair Hutaff: Yeah, the draft. The one that says "draft" there. And of course, you know, I'm not -- I think I made the comment before that during my writing class, I was out surfing, and I think it shows up here, you know, and we could -- they're actually waiting for this, at least Joe Pontanilla is, okay. If there's any changes or additions, 'cause this is, again, this was only written by me and the only thing different between the one I sent to the committee is that I took out things, I'm only representing myself, you know, blah, blah, blah, yeah, and that's like a kakou, sorry, you know. I haven't been able to figure out how to communicate with the brain and my fingers.

Ms. Thomson: So I think one of things to keep in mind though is that the Planning Committee is not going to meet again until the 30th, so to be able to have anything in their packet, it needs to get there, you can send it at the same time you send your recommendations and they would be included in the packet.

Chair Hutaff: Okay.

Ms. Thomson: You know, so if you wanted to hold off on, you know, putting together a joint letter, you could do it at the special meeting if you're not prepared to do it today.

Chair Hutaff: And that's -- you know, I kinda like that idea because then that way I can have about 17 people go and correct my spelling mistakes and grammatical errors, and I'll actually sound intelligent ...(inaudible)... you know, I do have a legitimate excuse, it's not worthwhile ...(inaudible)... but anyway, it's just something that, you know, kinda highlights, you know, the Planning Department has said that their enforcement is complaint driven and I think that that's the core of the problem that we see today as far as Front Street, the signage, the changes, the, you know, the fact that people have actually applied for permits to do things and then not do what they applied for because it's a complaint driven system, they inherited it, okay, for whatever reason, and I want to make it real strong that I didn't feel that that was okay. The proper method, there's a -- I don't know the words to the Hawaiian

saying but the saying goes if you don't put the medicine on your hand, it falls off. Medicine being something painful and unlikely, but the outcome is worse. So you have to go through a little bit of pain.

Ms. Chandler: I agree a hundred percent with this letter. I think it basically summarizes our biggest struggle and the reality of the fact that we'll lose a district if we don't take some kind of steps. I know that money is always the issue and so you've kinda -- you've talked about it. But, you know, maybe we could add some emphasis on the revenue that would be generated if somebody was in that position, and that also that maybe just education, you know, I'm looking for if you talked about education, but we really need to do some kind of outreach, one way or another, to the people that live and work in the historic district, just even if it's one time that we do it, that we can say we did it, and if we need to apply for a grant or something to do it would be, one, to remind people about termiting and, you know, preventative maintenance of their houses before they get to the position, and, two, you know, to make them aware of the architectural in style guidelines. You can only assume that maybe people just don't know; that's the reason why they violate it, you know, and they come to us afterwards and many of them do say they didn't know. You know, so just to put something out there and maybe it would be the position of this person to do some education before we do enforcement, or we do some blanket education just to say that we took that step. I think education is the first step so --

Chair Hutaff: Yeah, I did address that but just for the businesses. The rest of it's really good. You know, I believe approaching the businesses and informing them of the problem will help gain support for some enforcement. And there's a lot of -- there are some loud voices on Front Street, but there are quite a few silent voices that actually don't like the loud voices and would like to see it, you know, better taken cared of. So I believe if we did kinda reach out and, again, that's an I, okay. In this case, I'm going to change the I to we, and what "we" means in this particular case if the planning commission and the Planning Department.

Ms. Cua: Not the Cultural Resources Commission?

Chair Hutaff: Yeah. We can. Okay. But we're, you know, somehow I think that if we just went and knocked on the doors of everybody in Lahaina and said let's have a meeting, that we'd have, you know, as a Commission, we'd have more people there with their gun strong than if the planning commission said, hey, you know, we wanna help, can we have a meeting, you know. You understand what I'm saying? Okay. I mean I'll go out. I've already talked to a few people, not within the, you know, the structure of the Cultural Resources Commission, but just in general. Some people talked to me years ago, before I was even on the Commission, about, you know, problems. Part of the Festival of Canoes was an effort to keep the culture in Front Street alive and intact, you know.

Mr. U`u: Just courtesy to the members not present, if you give for them the letter so they could approve or disapprove of that as you using I as we.

Ms. Thomson: I think it might be a good idea to circulate the letter and have it be an action item, you know, when we're -- because this is really related to what you're going to be doing as far as the code changes if you submit it all at the same time --

Mr. U`u: I agree what you wrote but at times, you know, when people say I represent the people, but the people is a selected group, you know. You know how that goes, huh?

Ms. Cua: Well, for this to be an official letter sent from the Commission, it would have to be agendized and you guys would have to agree.

Chair Hutaff: Right. Okay. So I guess we're going to do that on the 13th?

Ms. Cua: No. Not on the 13th, on the 2nd.

Ms. Thomson: Yeah.

Chair Hutaff: ...(inaudible)... meeting on the 30th?

Ms. Thomson: You know, it depends who you want to address this to. You know, do you -- is this letter referring to any of the changes that you're recommending? You know, is enforcement part of the changes that you're recommending to the code? Yo know, and if not, maybe you can send it to, you know, some -- either the Planning Director or, you know, I guess it's the Public Works Director who's in charge of enforcement though, right, Title 19 stuff?

Ms. Cua: No. Title 19 is Planning.

Ms. Thomson: So the Planning Director is in charge of enforcement of those --

Ms. Cua: Yes.

Ms. Thomson: Okay. Well, you know, it depends on who you want to address this to. If it's a code change, then it makes sense to send it to the Planning Committee for their consideration related to the code changes. But if it's not related to a code change and just a really a more general comment on the failure to enforce the rules that exist, then you might want to send to the Planning Director. Does that make sense?

Chair Hutaff: Well, the committee is waiting on this to be, you know, to see what the -- our Commission has to say about -- 'cause again, you know, all I could speak on my personal

behalf and I said I would be bringing this to the Commission so that you can say, no, we don't agree, or we agree in part, or we don't. You know what I mean?

Mr. U`u: Yeah.

Chair Hutaff: I can't -- you know, you're all such intelligent people, and you all have a little different way of looking at things that I never want to just put my view on something because I've learned so much from you guys and so that's what was important to me 'cause I could have left it like that, as a personal thing, but I want it to come from the Commission either as no, we don't agree with it, you know, or something like, so the 13th, can we bring this up?

Mr. Solamillo: Does it, in fact, have to be a separate agenda item?

Ms. Thomson: I think it should be. Yeah.

Mr. Solamillo: Okay, then I'll have to change the agenda 'cause we post it at 4:30 today.

Chair Hutaff: Okay. Now, I can't send this to all the other Commission Members that aren't here, correct?

Ms. Thomson: I would give it to staff and staff can send it out.

Chair Hutaff: Okay. And they're going to make all the grammatical corrections for me?

Ms. Kanuha: ...(inaudible)...

Ms. Thomson: Are there -- do you have any other resources that you need available next week to you people or information that we haven't covered yet 'cause I know you're going to request that Joe Alueta be here?

Mr. U`u: Can Ann be here?

Ms. Cua: I don't know if the -- the Deputy might be back.

Chair Hutaff: Do we get to vote?

Ms. Cua: I'm just here because she's not here.

Chair Hutaff: Okay, staff is going to send out this draft in its appropriate form. Does anybody have anything else? Stan, are we okay? Ann? We're all okay. Okay, any motion to vacate the premises?

Ms. Chandler: So moved.

Mr. U`u: Second.

Chair Hutaff: So moved. Second.

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

It has been moved by Commissioner Chandler, seconded by Commissioner U`u, then unanimously

VOTED: to vacate the premises.

G. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 2:28 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Raymond Hutaff, Chairperson
Rhiannon Chandler
Makalapua Kanuha
Gaylord Kubota
Bruce U`u

Excused

Irene Ka`ahanui
Kahulu Maluo
Warren Osako
Brandis Sarich

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Others

Ann Cua, Planning Staff
Stanley Solamillo, Cultural Resources Planner
Kathleen Aoki, Planning Staff
Richelle Thomson, Deputy Corporation Counsel