

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
NOVEMBER 6, 2014**

*** 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, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawai'i. ***

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Vice-Chairperson Bruce U`u, at approximately 10:30 a.m., Thursday, November 6, 2014, 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).

Vice-Chair Bruce U`u: The November 6, 2014 Maui County Cultural Resources Commission is called to order. At this time, I'd like to -- the Commission will now take testimony for those individuals who cannot be present when that agenda item is taken up. Testimony will be taken when the agenda item is also brought up during the agenda item. You'll be allowed three minutes to testify. Anybody want to testify now or wait until the agenda item? Please step up to the mike and state your name for the record.

Ms. Patricia Nishiyama: Aloha kakahiaka to all the Cultural Commissioners. My name is Kupuna Patricia Nishiyama, aka Aunty Patty Nishiyama. I represent Na Kupuna O Maui, which was formed 30 years ago. Mahalo, Commissioners, for protecting the historic site of Lahaina, and, also, mahalo for supporting Na Kupuna O Maui to be under Lahaina Banyan Tree to promote our culture to the world and our community. We continue to share our aloha to the community and the world. We have live entertainment every event. We share Uncle Richard Hoopii, Uncle George Kahumoku, Kahaialii ohana, Ata Damasco, and many hula halau, especially our kupuna from Lahaina Senior Center, Hawaiian lomi, and la`au lapa`au and many more. We celebrate our ali`i birthdays, and share mana`o of who they are, and also mea`ono to the community and the world. We just celebrated our kupuna Adelaide Silva, that's Archie Kalepa's tutu, 100 years old birthday with the community and the world. Hailama Farden, nominated aunty for being the most noble living treasure of Hawaii award. Mahalo again for supporting Na Kupuna O Maui. We appreciate your hard work for keeping Lahaina historic town, and here you are, nana ike kumu, look for the source, and you are the source. Mahalo.

Vice-Chair U`u: Questions? Any other person would like to testify now? Seeing none, testimony is now closed. Oh, I'm sorry. Aloha. Come up, Keeaumoku. Please state your name.

Mr. Keeaumoku Kapu: Good morning, everybody. Keeaumoku Kapu.

Vice-Chair U`u: Good morning.

Mr. Kapu: Sorry for being tardy. I made it just in time. I just wanna kind of emphasize the importance of the banyan tree area because we're working with Lahaina Restoration and a lot of the nonprofits in the town to try to spin the ambiance in the area and talk about more of the traditional things that actually occurred there, so coming to this body, I know you kinda look at the management of the banyan tree and it's really important for us, as native Hawaiians, to make sure that we show a definite presence over there because the town is kind of going in a different direction - if you now what I mean - that's totally 100% commerce over there, so it just gives the people an opportunity to come out and literally share the ambiance of what Lahaina basically is all about, the capitol kingdom of Hawaii. So mahalo for your consideration. Thank you.

Vice-Chair U`u: Thank you. Questions? Seeing none, public testimony is now closed.

C. INTRODUCTION OF NEW COMMISSION MEMBER - CHRISTY KAJIWARA-GUSMAN

Vice-Chair U`u: Moving on to introduction of our new Commissioner, Christy-Kajiwara Gusman. You want to say a few words, Christy?

Ms. Christy Kajiwara-Gusman: Thank you, everyone, Committee Members. I look forward to the work that we have here to do for our community.

Vice-Chair U`u: Thank you because now we have quorum. I appreciate your service.

D. APPROVAL OF MINUTES OF THE JULY 3, 2014 MEETING

Vice-Chair U`u: Next order of business, we need approval for the July 3 minutes. Do I have a motion?

Ms. Bridget Mowat: Yeah, I so move that we accept the July 3 minutes.

Mr. Frank Skowronski: Second.

Vice-Chair U`u: It's been moved by Commissioner Mowat, seconded by Frank, which is easier to say. Discussion? Seeing none, I'll call for the vote.

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

It has been moved by Commissioner Mowat, seconded by Commissioner Skowronski, then unanimously

VOTED: *to approve the minutes of the July 3, 2014 meeting.*

Vice-Chair U`u: It passes. Moving on to New Business, do I turn this over to -- I'm turning it over to Dave. Dave, I'm punting.

Mr. David Yamashita: Thank you. I accept the -- aloha, Commissioners. My name is Dave Yamashita. I'm standing in for Annalise Kehler, who is on -- taking a well deserved vacation, so she left me a really detailed set of instructions here so I think I'll be in good shape.

I just wanted to introduce the first item on the agenda, Alvin Kametani, Rec Leader III, with Parks and Recreation, is going to talk about the Banyan Tree event schedule. I'll turn it over to Alvin.

E. NEW BUSINESS

Mr. Alvin Kametani on behalf of Maui County Department of Parks and Recreation West District requesting approval of the 2015 Lāhainā Banyan Tree Event Schedule, Lāhainā Banyan Court Park, County Historic District No. 1, Lāhainā, Maui, Hawai'i, TMK (2) 4-6-001:009, pursuant to Chapter 19.52.090E, Maui County Code.

The Commission may approve or deny the event schedule.

Mr. Alvin Kametani: Good morning. We're working with the Lahaina Art Society, Aunt Patty's group also, and Lahaina Town Action Committee. We put together the calendar for the 2015 events at the Banyan Tree for your review and approval.

Ms. Michele McLean: Alvin, perhaps it would be helpful if you could tell us what the abbreviations stand for --

Mr. Kametani: Oh, okay.

Ms. McLean: So we know which organizations we're talking about.

Mr. Kametani: So Lahaina Art Society is the LAS; HEUI will be the Aloha First Kupuna organization; and then the LTAC is the Lahaina Town Action Committee. We have the art fairs figured into the calendar as well as the annual events that take place at the Banyan Tree.

Ms. Mowat: Excuse me, may I? I just have a question that what was the HEUI?

Mr. Kametani: The -- it's what's Aunty Patty's organization, the kupuna. I don't know the whole name of it.

Ms. Mowat: Thank you.

Vice-Chair U`u: Anymore questions? Go ahead.

Ms. McLean: Commissioners, I just wanted to point out, as noted on your agenda, under the rules of the historic districts, if any -- I'll just read the section from the code that refers to selling in public places, "It's unlawful for any person to carry on or solicit business in any location on any street, highway, or sidewalk in the Lahaina Historic Districts. The same is also unlawful in any location, in any park or open space that is owned or maintained by a government agency," so in this case, Banyan Tree Park is a county park, "without the approval of the CRC." So the reason that this is before, 'cause in past years, we've gone back and forth with confirming what your authority is, because these events would involve selling, you need to approve the calendar, so that's why this is before you today.

Vice-Chair U`u: Questions for the applicant or Alvin? Seeing none, I'm going to open it up for public testimony. Anybody want to testify on the agenda item?

Mr. Kapu: Good morning again. Keeaumoku Kapu. I wanted to kinda emphasize with the body that, you know, when Michele brought up the money portion about dealing in public areas, I think that I need to bring an awareness to the county that there's a lot of peddling going on in town, not necessarily the Banyan Tree area, but throughout the town, so we kind of addressed it with the Police Department and, literally, they said there's no ordinance set in place to kinda mandate those restrictions from happening, so I just wanna bring this to this body, the attention to this body that, basically, something needs to be done about it because there's a lot of peddling going on, not necessarily in the Banyan Tree area, but normally around the Banyan Tree area and throughout the town. So we brought this attention to the Police Department and they, literally, said there is no code in the ordinance, so when you get something like that going on and we're in front of this body right now making a determination to allow these things to happen but stricken them to make sure that there's a place for them to trade the monies or do the scripts and all that, something gotta be done about the other ones. A lot of people come up from Upcountry, from Paia and they do their dealings in town, sell coconuts, all that kind stuff, so I just like create some clarity over here that if Na Kupuna and the people utilize the Banyan Tree as stricken to the rule, I think the county really needs to look into the ordinances of the whole town to make sure that everybody complies to those rules. So mahalo. Thank you.

Ms. Mowat: I have a question.

Vice-Chair U`u: Questions?

Ms. Mowat: You know the monies that you do collect from selling your wares, does it go to individual people, or does it go into, you know, like say the art society and to the whole --

Mr. Kapu: I think they take a percentage, I'm not sure, but we've had booths in -- under the Banyan Tree before and, basically, they provide you the tent with a cost, and there's a percentage that, basically, goes to I think Lahaina Town Action Committee? Or whoever is running the event. So you get like there's a receipt when you make the sale, the receipt goes inside the courthouse, and that's where the transactions, basically, are done. So all the other dynamics maybe you want to ask Auntie Patty about that.

Ms. Mowat: Okay, I was wondering if that even made a -- if that would make a difference whether it's a individual making individual monies or going to the hui, you know, and then whatever happens that money at that point, you know.

Mr. Kapu: The monies normally just go to the vendors or people, but I know Na Kupuna O Maui, through He U`i, there's a percentage of those monies that are made under the Banyan Tree normally went to like the immersion programs of Punanaleo. Yeah.

Ms. Arleen Ricalde-Garcia: I have a question. Anytime there is an event in a certain area, and there's throngs of people around, my concern might be the tree itself, it might be kinda small, I mean it's a historic item, and I wouldn't really want to see like any pain from the tree, is there someone who maintains the area especially even afterwards where things need to be cleaned up because I can imagine --

Mr. Kapu: Yeah.

Ms. Ricalde-Garcia: With all the people, with all the items there, it really gets pretty messy?

Mr. Kapu: There's kind of a combined group that, basically, work over there, the Lahaina Town Action Committee, the Lahaina Art Society, you have the Lahaina Restoration Foundation that actually cleans up the place. So there's kind of rules that are set in place that nothing is actually tied or tagged to the trees. So they put up ten-by-ten tents, they can do whatever surrounding of the ten-by-ten tent, but nothing to obstruct any of the -- or not obstruct, but to bring some kind of nuisance to the tree itself. So the tree is kind of pretty much managed by the crafters there. It's a lot of the tourists, they don't know how read signs when they say stay off the tree, they all in the tree, so those kinda things kinda hard.

Ms. Ricalde-Garcia: So is there someone there to enforce them to make sure because --

Mr. Kapu: Normally the local residents and He U'i, through Aunty Patty, she's really akamai about, you know, going around and seeing people if they're being a nuisance around there. Literally, what they do is just call the authorities or something like that, but, yeah, there's always somebody over there to remind people about what they can do and what they cannot do under the tree.

Ms. Ricalde-Garcia: Thank you.

Mr. Kapu: Yeah.

Ms. Mowat: I just want to make a comment. It's probably better to have these groups because they do help to maintain. If nobody was going there, it would just, you know ...(inaudible)... and keeps the homeless out of there too know that.

Mr. Kapu: There's a lot of problems with homeless over there too, so adding to the place --

Ms. Mowat: Having your presence --

Mr. Kapu: Yeah. Presence is really good, it kinda downsizes on a lot of the homeless situation in town.

Ms. Mowat: Thank you.

Mr. Kapu: Thank you.

Vice-Chair U'u: Anymore questions? I have a question. How can we enforce, this is to Michele, how can we enforce that the correct people are authorized to do their dealings under the tree and how do we enforce that? Is there a mechanism in place, or do we have to create one?

Ms. McLean: For Banyan Park, in particular, any uses would require a permit from the Parks Department, so they would be the ones to followup on improper uses in the park. For the other issues that Keeaumoku mentioned, if there is peddling and so forth, that is something that our inspectors can enforce. I'm surprised -- we would need to talk with the police because that wouldn't necessarily be specific to the historic districts. I don't know if there are peddling ordinances countywide, but certainly specific to the historic districts, we just reviewed that section of the code that you can't in any public place, so that would be -- because that's in our zoning, that is something that the department could also enforce.

We recently, when we were talking about sign design guidelines last time, we talked about what's called "hawking" with merchants who are inside their stores, or a lot of times it's the

timeshare people, yelling out to potential customers on the sidewalk, that's also prohibited in the historic districts, and we had to clarify some things with the county attorneys about our ability to enforce that, you know, when does their -- those sellers' initiation of conversation, when does that become actually selling? Like if they just say, "Hello. How are you?" Or they'll say, "Oh, aloha. Where are you from?" We can actually enforce against that because that's the beginning of their sales pitch. So we haven't been enforcing that until we got that clarification from the county attorneys, and now that we have that, then we can proceed with enforcement and it might cover some of the peddling issues that ...(inaudible)...

Vice-Chair U`u: One of my concerns was that they did call for the officers and they said there was no enforcement allowed. I was wondering if that's something the police officers have to do because I know we have park rangers, does it fall under their jurisdiction? Was this a --

Ms. McLean: I can't say for sure what's under Parks' jurisdiction, but it would be good for us to check in with police and see --

Vice-Chair U`u: Can we followup with that?

Ms. McLean: If they feel they can enforce versus our zoning inspectors.

Vice-Chair U`u: Okay.

Ms. McLean: Sure.

Vice-Chair U`u: Okay. Thank you. Mr. Frank.

Mr. Skowronski: Can we put on the agenda a -- some sort of session or seminar or dialogue with a member of the Police Department to talk about issues of enforcement? This keeps coming up every time we talk about signage or any of our rules or regs fall flat. If there's no enforcement, then the intention of what we're trying to do here is meaningless. So if there's some sort of dialogue or some sort of interface with the Police Department so that we could find out where they stand or where their personnel or where their resources are available to enforce what we're trying to accomplish in the historic district.

Ms. McLean: We can certainly have a discussion item on a future agenda. It's not clear to me where the police authority would come in. It could be that a lot of this enforcement responsibility is on the Planning Department. So I wouldn't want to have them come in to say, oh, that's not our authority. So we can put something on an upcoming agenda. If the Police Department does have a role, then certainly we would have them participate. But

if it is predominantly Planning's responsibility, then we can have our staff here to participate with you instead.

Ms. Ricalde-Garcia: How do we find out and clear up that question that you're --

Ms. McLean: I'll followup with our inspectors and with police and the county attorneys and figure out who's responsible for what. And if there is a notable role for police to play, then we'll have them come and participate, but I'm not quite sure that their role in the historic districts is different than it is anyplace else, which would put most of the responsibility on planning for enforcement.

Vice-Chair U`u: One last one. Anybody else want to testify on this agenda item? Please state your name for the record.

Ms. Nishiyama: Patricia Nishiyama. When we're under the Banyan Tree, I call the cops, and they come because we have homeless sleeping, smelly, smoking marijuana, I call the cops and they come and they take them away. So anything that is so rowdy, I call the cops, okay. That's it.

Vice-Chair U`u: Quetion?

Ms. Mowat: Okay, Aunty Patty, when -- I'm just trying to focus on the sales, the money-making.

Ms. Nishiyama: Yes.

Ms. Mowat: Now, when the kupuna sells items --

Ms. Nishiyama: Yes.

Ms. Mowat: I know when they make items, culturally, you know, to share, they need to purchase some things to make these items.

Ms. Nishiyama: Yes.

Ms. Mowat: So when you sell, does the money go into individual pockets, or does it go back into He U`i?

Ms. Nishiyama: The money goes to the vendor who makes that.

Ms. Mowat: Okay.

Ms. Nishiyama: So they can buy their supplies.

Ms. Mowat: Okay.

Ms. Nishiyama: And a percentage comes to us, which we help Hawaiian language, our Hawaiian children, any programs on the West Maui side. That's what we do. And, of course, we pay for insurance, permit, everything else, yeah, so.

Vice-Chair U`u: Commissioner Frank?

Mr. Skowronski: Yes. Has the Police Department been responsive to your calls?

Ms. Nishiyama: Oh yes.

Mr. Skowronski: Where is the closest police substation?

Ms. Nishiyama: Lahaina Civic Center.

Mr. Skowronski: So that's the closest place --

Ms. Nishiyama: That's the closest.

Mr. Skowronski: There's no substation in the Lahaina Town?

Ms. Nishiyama: No. There's no substation. But we used to see the police on the bike riding around before, yeah, but we don't see them anymore. But we do call the Police Department because it doesn't look nice for the tourists to see them lying on the ground half drunk and smoking marijuana and, you know, there's a place, and I tell them have respect for the kupuna who's under this tree, and then -- but I still call the cops. Gotta haul them away. Okay.

Vice-Chair U`u: Thank you. Anymore questions? Anymore testifiers? Please step to the mike and state your name.

Ms. Amy Fry: Good morning. My name is Amy Fry, and I'm here on behalf of Lahaina Art Society, so I just wanted to show our support and thank you guys for having a conversation about this as well, the events under the Banyan Tree, so I just wanted to offer any information if you had any questions that have not already been answered by Auntie Patty, I'd be happy to try and help fill in any of the gaps, but we're very grateful to be a part of the process, and we're very grateful to have the opportunity to be under the Banyan Tree, and we do feel like we actually have a great service to offer to the community. All the organizations that are involved under the Banyan Tree are not only trying to, you know,

spread the aloha and share, particularly Auntie Patty's group, sharing all the information about the Hawaiian traditional culture, but we're also sharing the artistic community as well, so we're trying to share it to the local population as well as to the tourist population, and we just really appreciate the opportunity to be involved in that. So if you do have any questions, I'd be happy to answer them as well.

Vice-Chair U`u: Thank you for your testimony.

Ms. Fry: Thank you. Anymore testifiers? Testimony is now closed. We are tasked at approving or denying the even schedule. So --

Ms. Mowat: I have a question. Are we approving the selling part or are we -- because it's saying -- I would like to help, like she says, they need to buy insurance, they need to -- so can we allow, and even if monies go directly to the society or to the kupuna group directly, and then they can do what they want to pay the vendors, if that would help, you know --

Ms. Fry: ...(inaudible)...

Vice-Chair U`u: Sure. State your name again.

Ms. Fry: I'm sorry. Amy Fry, from the Lahaina Art Society. I just wanted to clarify for you. All of the monies actually are processed through the individual organizations, so for Auntie Patty's group and for the Lahaina Town Action Committee, all of the money is actually processed through the Lahaina Courthouse in the Lahaina Visitors Center, so it all goes into a central pool initially. For the art society events, it all goes through the art society gallery in the Old Lahaina Courthouse, it goes into a central pool as well. So what happens with both is that the overseeing organization does take a percentage off the top to cover things like that, and then a particular portion of the proceeds goes to the individual vendors, so it is actually already processed that way.

Ms. Mowat: Oh, okay. Great.

Ms. Fry: Thank you.

Vice-Chair U`u: Thank you for your clarification.

Ms. McLean: The Commission doesn't have to specify those types of details. You're allowing these organizations to conduct activities in Banyan Tree Park that involves selling, and that's as far as your detail needs to go.

Ms. Ricalde-Garcia: So does it matter what they're selling 'cause I like the art part, selling art, and selling arts and crafts but -- and these are the only organizations, what if someone

else wanted to participate and they're selling something else? I mean I probably would not -- I mean I would have some concerns about that. So as of now though, these are the organizations that are asking for, that are applying?

Ms. McLean: Correct. And the idea is that because these organizations have been doing these activities for a long time, the Parks Department is comfortable issuing them the permit for the year - these are your days for the calendar year of 2015. If during the year another organization comes forward and says, you know, we would like to do something, then the Parks Department would process that permit; if it involves selling, then they would come to you folks for approval, and then they could issue the permit.

Ms. Ricalde-Garcia: Well, my only thing is if there were a lot of peddlers like that, they would probably see it as an opportunity for them and the items that they might be selling might not be consistent with what we think might be okay so --

Ms. McLean: Yeah, other than the ones that are on this calendar, you haven't approved any other organization to sell, so if they're doing it, not only do they not have a permit from the Parks Department, they also don't have your approval to sell.

Ms. Ricalde-Garcia: So for now, I think these organizations are okay and what they're selling, to me, is okay as well.

Vice-Chair U`u: It's what we're voting on ...(inaudible)...

Ms. Mowat: I agree. I think this is a great thing for the community. It also offers time for the community to come together, and it's how often do you have that in Lahaina other than the Halloween thing where the community comes together. So this is -- I'm --

Vice-Chair U`u: Would that be in a form of a motion?

Ms. Mowat: I would like to make a motion to accept this calendar and all the names for the year 2015.

Ms. Kajiwara-Gusman: Second.

Vice-Chair U`u: Discussion? Seeing none, I'll call for the vote.

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

It has been moved by Commissioner Mowat, seconded by Commissioner Kajiwara-Gusman, then unanimously

VOTED: to accept the 2015 Lahaina Banyan Tree Events Calendar.

Vice-Chair U`u: Motion passes. Dave, back to you buddy.

Mr. Yamashita: Okay, thank you, Chair. We're moving to the second item, which is the Lahaina Sign Design Guidelines, and Erin Wade, from our Current Planning Division, will present this project.

F. UNFINISHED BUSINESS

Consideration of the October 2014 draft recommendations of the Cultural Resources Commission's Investigative Committee to update the "Sign Design Guidelines for Lāhainā Historic Districts, Maui, Hawai'i, Revised March 2001." (A. Kehler)

The Commission may provide comments on the draft recommendations.

Ms. Erin Wade: Good morning, everyone. Is it alright if I sit here to scroll through the slides as we do the review? Okay, so a new draft of the Sign Design Guidelines should have been delivered to you in your packets. There are a series of changes, which I'm going to highlight for you, and, Chair, I'll let you determine if you want to discuss at each section, or if you want me to go through the whole thing and then go back and review with the group.

Vice-Chair U`u: I'll ask the Committee Members.

Ms. Wade: Okay so --

Vice-Chair U`u: What's your preference?

Mr. Skowronski: ...(inaudible)...

Vice-Chair U`u: Say that again? Yeah, could you highlight the exceptions, please?

Ms. Wade: I will do that. You know what? I'm going to load a different version of this because I reduced it. It was really graphics heavy. Just a moment please. Okay, very good. So, overall, there was some changes made to the organization of the document, and Annalise did all of the revisions. We, after your last meeting, sort of pulled all of our notes about your suggestions, and then she did all of the revisions, and because she's taking vacation today, she asked me to go through it, so I'll do my best to relay it to you.

The organization's adjusted in a way that makes a little bit easier to follow, so if you look through the document now, there's the introductory page on the cover, and then just sort of some generic information about historic Lahaina signs, and then you begin sub-chapter 1, you can see right at the beginning with the signage, and then on commercial signs, and so it follows more of an outline structure. Then sub-chapter 2 starts on page 8, and follows with the design guidelines, specifically, and the sub-chapter 3 starts on page 17, regarding the permitting, the sign permitting, okay. So it's a little bit more formalized structure now to the document and it allows us to refer to specific sections, like in approval letters and things.

What that did, however, was create some gaps, so there are some pages now that have some additional spacing and so we may be reformatting in ways that just smooth that out a little bit, but just for purposes of content today, we changed the numbering system and maybe have an opportunity to put in some additional items if you so request.

On page 1, there were some additional changes. In the original definition of "sign," which is the second column at the top, it did read that it -- signs were located three feet within a window or door. We removed that based on the conversation last time because the definition of "sign" includes display, and then we felt that that would be concern. So that was changed and it's now just reads "within view of the general public from out of doors." Now, there are some additional caveats coming further into the document so -- then a section on was added on exempt signs, and this in the current draft of the Sign Design Guidelines, so the exempt signs section from the current one was added in here at the request of the Commission last time. And then Annalise added this nice section index so when you're at the beginning of the document, you're able to basically see a table of contents. I'm sorry, are there any questions on that first part?

Okay. Starting sub-chapter 1, present-day Lahaina signage, this narrative, this is on page 3, this narrative as a introduction was added and it's just sort of overarching information about today's signage.

Then skipping ahead to -- everything else remain the same in that section until you get to sub-chapter 2, on General Guideline.

Vice-Chair U'u: Is that page 8?

Ms. Wade: This is on page 8, correct. Okay, so you see there was an introductory paragraph added about the guidelines. Then, in the first column, down the page a bit, there's information added about awning and sunshade materials, and I'm going to read that just for clarity, "All awnings and sunshades must meet the following criteria: Signs shall be constructed of cotton or another naturally appearing fabric," we should probably include the word "canvas" there, "The use of glossy or synthetic appearing fabrics is not

permitted," for clarity, that wasn't in the last draft, but it is in the current design guidelines, so we included that.

Probably most significant to this draft update is this new section called "Sign Placement." This is important because we have the general definition of "sign," which in the past has also included placement description, but here we sort of breakdown where it's acceptable and where it's not in different types of signs, so I'm going to go through that quickly. "A sign should be located in close proximity to the activity it is identifying. Signs and indoor product displays shall not be located so as to cover windows, doors, air vents or other important architectural features of the building." That was one of things we discussed at length last time. "Window signs shall be limited to the windows of the first floor. Upper store businesses may be allowed a first floor hanging sign and an upper floor wall sign, or any other combination of sign types not to exceed the total allowable sign square footage."

"Placement of upper story wall signs may be somewhat flexible and will be evaluated by staff and/or the Cultural Resources Commission to determine an appropriate location that informs the public without distracting from the character of the building." Okay, so we did have quite a lengthy discussion about that so I'd appreciate your feedback if this is -- if we captured that correctly.

"Promotional signs and commercial banners may be placed within a building so long as they are located no less than three feet inside of the building as measured from the front facade. Product and merchandise displays shall not be considered signs when located completely within a building and arranged so as to not obscure any of the character defining architectural features of the building"

So if you have any questions about that, I'd be happy to discuss that, but this, hopefully, memorializes the majority of the discussion we had at the last meeting.

The next section is on page 9, the Lahaina Town Action Committee folks pointed out we hadn't discussed the sign illumination, so we did add a section on that. Annalise found some photos. The only -- we might want to add another line or two in here because it refers to gooseneck lighting, which is the preferred when it's a wall sign for sure; when it's a hanging sign, that's not as effective. So the original design guidelines include a discussion of soffit lighting that shines down so we may have to add that too. I didn't bring that up to Annalise before she distributed this draft, so if you find that that's necessary, I'd be happy to work with her to add that. And then she added the new photos as well showing what's appropriate and what's no appropriate.

And then, finally, there's another section that was included on -- oh, this is the same section, I'm sorry, but what's been added are the names and descriptions of each of the prohibited types of signs because it wasn't as descriptive originally, I mean you can look

at the sign and then take from it what you will, why it was prohibited, but she has now gone and explained what's appropriate and what's not appropriate about each of these signs.

And then, finally, on page 14, an additional page of good and bad examples commercial signage, and this is sort of the trend now with design guidelines is really illustrating what's preferred and what's not preferred because it just -- it informs people a little better, most people are visual learners, and so this is, for me, personally, it was really instructive. So she has added this entire page, so some of these photos were in here before but now there's additional ones with some description of what's appropriate and not appropriate. There is some redundancy to it, but at the same time, I think it does emphasize the points a little bit more clearly.

And that's it for the revisions made to the document during this most recent update.

Vice-Chair U'u: Any questions for staff? Frank?

Mr. Skowronski: On the bottom of page 9, under the paragraph Case by Case, the last sentence says, "The Cultural Resources Commission may allow flexibility from these guidelines." Is "these guidelines" referring to the entire document or just referring to the Historic Districts Rules of Thumb?

Ms. Wade: That's a good question. I think the intent was from the -- was from the -- well, actually, I can't answer that. This isn't specifically lifted from the last document. Previously, what we've allowed is a request for a deviation if you want to deviate from the Sign Design Guidelines as specified, but that's not what this is referring to so we should probably clarify it.

Mr. Skowronski: On page 1, you have "Sign Guidelines," "Design Guidelines," so as I read it --

Ms. Wade: Right.

Mr. Skowronski: If I were an applicant, then I would consider the entire document a guideline --

Ms. Wade: Right. Me too.

Mr. Skowronski: And, therefore, this provision for flexibility applies to the entire document.

Ms. Wade: Right.

Mr. Skowronski: Is that your intent?

Ms. Wade: I don't know. I wasn't the author of this but I can find that out. If the intent, and maybe you folks should make that determination, if the intent is to allow flexibility, I think it should say the title of the title of the document. If it is to allow flexibility to just this rules of thumb section, then say flexibility from these rules of thumb instead of the entire design guidelines.

Ms. McLean: If I can add, Chair, I think that's a policy call for the Commission to make. Annalise, who was the primary drafter of this document with your subcommittee, might have a recommendation, but, ultimately, that's your decision, so I don't know that we need to wait for Annalise for you folks to decide how to clarify that, I think it's a great point to clarify it one way or the other, but that's under your authority to decide.

Mr. Skowronski: Well, let's go directly to discussion. I would move that the Cultural Resources Commission consider the definition of these guidelines to pertain to the entire document and not to just sub-paragraph 6 of the historic rules of thumb.

Vice-Chair U`u: Do I have a second?

Ms. Ricalde-Garcia: Second.

Vice-Chair U`u: So we have a second so we can open it up for discussion. Discussion? Now we're in discussion. Any discussion?

Mr. Skowronski: The only reason I'm bringing this uP is that I think that the more flexibility that we allow applicants, the better. It's not that I'm advocating that we expand our role of micro-managing every single thing that comes before the planning commission, but I want to open the possibilities of design options rather than narrowly defining them into any one section, and that's the only reason I picked this up or made a notion.

Vice-Chair U`u: Bridget.

Ms. Mowat: I'm just -- I'm wondering what they mean by the case by case. In a case where somebody cannot comply because of the structure or something is under renovation or something and they cannot comply at that time, I could see a case by case. But a case by case when somebody has a sign up for 40 years, and that's part of their -- and it has to -- you know, for me, it's like we have a responsibility and that responsibility is to create guidelines that will enhance or follow through with our Lahaina Town. If you, for me, if you go by a case by case, then it's going to open up a can of worms because they're going to say, well, how come that person can and how come I cannot, and, you know, it's less complicated, it's easier to follow through with the guidelines if you stick to the guidelines, for myself. So I don't know what they mean by case by case. What is the intention of the case by case?

Mr. Skowronski: Well, I'm assuming that case by case means that there's going to be some sort of triage that comes the Planning Department that we're not -- this motion is not advocating that every single signage application come before the Cultural Resources Commission. That's not the intention and that's not how case by case works. My information or my understanding is that the rules and guidelines are in effect, and if in fact somebody comes up with a coherent, cogent, meaningful exception, that it's up to the Planning Department to say, okay, let's bring that in front of Cultural Resources. I'm not trying to, like I said, I'm not trying to expand our responsibilities, but I want to make sure that Lahaina Town is an amalgamation of exceptions as far as I can see. Everything is exceptional and everything is unique, and the Planning Department's got staff to enforce the guidelines unless something special happens or unless something that they can't handle or can see the need for flexibility, and the word "flexibility" I think is important because it means that we're flexible within the guidelines, we're not making or throwing a guideline out, or we're not saying someone is exempt from a guideline. It's you have to acknowledge a flexibility within the rules that we've worked so hard to get some consensus on. So I'm not trying to give anybody an escape clause, but the word "flexibility" I think is important in this context.

Ms. Wade: Mr. Chair, I just want to point out there may be some folks in the audience who came to testify today on this island who could shed some light on this specific issue as well.

Vice-Chair U`u: In fact, before we vote on this issue or discuss it further, I'd like to open it up for public testimony. Anyone want to testify? Please state your name for the record.

Ms. Uilani Kapu: Good morning. Uilani Kapu. This is a tough one 'cause it's been on the table and off the table and on the table and off the table for years. It's good to see that it's finally coming to a closure and a guidelines. Guidelines are meant for rules. Rules are not meant to be broken. There's specifics and reasons why they're put together. We've had issues and big issues in Lahaina, and I think it should be for everywhere, not just for Lahaina. We should start narrowing down our businesses and having them responsible for the type of atmosphere that they want to present. I really like seeing this. I mean it's finally in format even though it's a draft. Case by case, it shouldn't even be allowed. It shouldn't even be in there. Guideline is guideline - that's it. If anybody has a problem with it, then they should have been here. They should have been working on it. They should have been stressing their points. Because like I said, it's been in the works for years. You guys have seen it for how long already. Lahaina Town Action Committee has stressed about it. Some of the businesses have come in and testified on behalf of it. And we really like to see it cleaned up. I mean the dresses in some of those pictures is a mess, and even with those activity booths, we've always tried to get them to cleanup their act, and every time somebody new comes in, they just do the same thing. So I really like this. There should be no adjustments to it. You guys should take out the case to case flexibility.

It's should be a law. And that's it. Everybody has to abide by it. And then as a responsibility of the county to have that handed out to every place so they can't say that they don't know about it. They should be presented with it. I mean we had an officer that we wanted to patrol the area because of the hard times of people changing the views and everything in Lahaina. So I like this. There should be language that is stricken on it, especially for flexibility and case to case. It should just be definite and set forward. Mahalo.

Vice-Chair U`u: Anybody else want to testify on the agenda item?

Ms. Kapu: Aloha again. Keeaumoku Kapu. We no do this for a living. Yeah. But when it come to our town, we definitely step up. And same thing goes for me on the case to case - get rid of it. Take it out. Because we've seen many times, I mean throughout the years, even from when I was a part of the Cultural Resources Commission, we dealt with a lot of these things, and still never find closure. It always says that in the case by case, that applicants who are unable to comply with these sign guidelines are invited to request for a review, right? So if they unable to -- you gotta look at the ambiance of the town or what is -- you know, follows the requirement or criteria on the historic preservation of 50 years or whatever those requirements are. Me and wife, we went all over the continent. We went to Annapolis, we went to different places where, basically, it's a historic town that was founded, you know, that has to portray, you know, a historical background, and a lot of places I went, I mean the only place you can find that is in the museums, so, basically, what the sign guideline tells us is, you know what? Enough already. We no like our town turn into another Disneyland. We no like our town turn into that, you know, you walking down the street and all you get is a million signs to look at, yeah. The signs should be decreased in the area. And the reason why I guess signs are important to a lot of people is because it's the economics. It's about drawing people in their store and selling them something, yeah. It's not about the prestige of the town of honoring its ambiance and what that place actually portrayed in the past, so this gives a perfect opportunity to allow those things to happen, to say that when people come from all over the world, when they come to Lahaina, they know, basically, how Lahaina was managed before, from the time of crown, all the way till the sugar cane operations, from the whaling era, that's what we're trying to portray. We're not trying to portray this techno town all because the younger generation like to see the lights and they going spend more money. It's not going to happen. I mean the strip mall that they working on with all these Mainland outlets coming in that's at the end of town, you walk inside there, all those stores are like high mark stores supposed to meant for tourism. Our locals no go over there. You know what I mean? And it's getting to a point where our locals they don't even want to go in Lahaina Town anymore because they missing that ambiance. They missing that feeling of that comfortness of what they remember when they was young. So I guess that's the whole point as to why the sign guidelines is really important to make sure that we get our people coming to the town, not just the tourist. I mean, yeah, everybody say we need tourism. A lot of people

gotta bend backwards to try to find out how we going provide for the tourism. But what about our local people? So downsize on them. Get ride of the case to case ...(inaudible)...

Vice-Chair U`u: Questions? Keeaumoku, question. So you will be okay with the applicants who are unable to comply with these design guidelines are invited to request a review by the Commission, and you take away that case by case?

Mr. Kapu: Yeah. I mean, well, this is basically this is the body so this is what you have in front of you now. I'm saying, literally, just get rid of the case by case, but what I pointed out was if get people who are unable to, then I guess that's the county's responsibility, not yours, not the Cultural Resources Commission, that the county needs to, basically, comply to whatever was written here. Take the burden off of the Cultural Resources Commission. Once this is adopted by you guys, then they gotta do their job.

Vice-Chair U`u: Any questions? Thank you, Keeaumoku. Any other testifier? Seeing none, public testimony -- oh.

Ms. Tambara Garrick: Aloha. My name is Tambara Garrick. Thank you for having us. And I am on the board for Lahaina Town Action Committee. We did submit a letter and some photos, and I just wanted to make sure that you had seen this letter, and it basically is referring to, I'm all for having guidelines, especially if they're going to be enforced, and I think that's going to be the number one issue, especially when it comes to hawking and now I'm seeing human signs on Front Street, like with little placards on each side, and I get it the businesses are trying to, you know, promote themselves and capture the dollar, and I understand that, but I'm happy with most of the guidelines, but I think we need to take a look at the fact that some businesses have a lot of frontage and square footage, and some have a tiny bit, and if you look at a business like Hard Rock, which I sent a photo, I don't know if you guys have this one, they don't look like they're in business. It looks closed because they had to take their signs down to be in compliance with the previous document. So I think this is a disservice to not only the business, but to Lahaina Town because it looks empty. It looks like a ghost town. And then the same for, you know, Bubba Gumps. They have a lot of square footage. And then you have tiny stores that has a banner and a sign, and they have minimal amount of square footage on Front Street. So I think that's something that maybe you guys might want to take a look at and decide if there's some leeway as far as that goes and whether or not you put it in the guidelines or you do the case by case, I'm open to either option. So that's all I wanted to bring up. Thank you.

Vice-Chair U`u: Questions? Seeing none, thank you. Anyone else want to testify? Seeing none, public testimony is now closed. I believe we have a -- or we're in discussion. The motion is on the floor and it's been seconded, but we're in discussion on the case by case.

Ms. Ricalde-Garcia: I think she made a really good point about the case by case example, and I think, by definition, guidelines doesn't means rules, per se, it means recommendations, suggestions, so by that, it means there should be a little bit of flexibility in there. So I agree with Frank, I think there should some flexibility, but I also can see her point where there might be a deluge of people wanting exemptions, but I'm reassured that if there's the frontline people who analyzes the case by case and only bring upon the ones to us that have been, you know, that's complicated and complex, for example what she brought up, I think it's a doable guideline if we include that.

Vice-Chair U`u: Commissioner Mowat.

Ms. Mowat: I agree with the young lady over there. She -- I mean, for myself, I can see every time we come together, on that first Thursday of the month, we are going to have people coming before us to be reviewed, and unless it clearly states, you know, some kind of reason, like my example was the building is being renovated right now so we cannot -- or the front -- they're not sure where to put it up at this point, you know, I can see that kinda -- but this picture that you brought up that it looks like a ghost town, well, there's nobody there. There's no people in this picture. So when was this picture taken? There's usually a lot of people there. I, particularly, like the view 'cause it looks so clean.

Ms. Ricalde-Garcia: Where is the sign out there? The Hard Rock sign?

Ms. Mowat: Oh, I don't see the Hard Rock --

Ms. McLean: In that photo, there's a hanging sign on the corner. In front of the building, at the -- the door is on the corner.

Ms. Mowat: And I agree with what kind of Lahaina Town do we want to portray historically. Is it a place of business? Is that what it is? Or is it also -- it is a place of business, yeah, but it's also Lahaina, and it's also not only a place to make money, but it's also a home to others. And so I agree with removing that unless we're specific as to we have guidelines as to what would make them exempt or, you know, what kinds of things would make them exempt.

Vice-Chair U`u: Thank you for the comments. My comment would be that this being a draft, which it is, and it's coming back before us, once we get done with the draft, then we can start the enforcement, I just would not want to see things that we missed, being it's the draft and it's still new, so that's why I don't mind, not necessarily the case by case, but the applicants who aren't able to comply with this design guidelines, just in case we miss something, so there is a small room of flexibility for the entire area, and I think it will be up to the Commission to enforce the guidelines as they come, and set an example to people who have a case by case hardship, somehow they couldn't be able to follow the guidelines,

and that would be my, being that this is a draft and it is new, and I don't think this will capture -- I'm just afraid we might miss something that we didn't foresee, you know, so that's my mana`o on this and --

Ms. Ricalde-Garcia: I think we need to -- I need to I think modify this paragraph because we know that there's some things there that are not clear and there's just so much room for misinterpretation, I think this is one of the problems that we need to just change the wording so that there's a compromise.

Mr. Skowronski: Well, if we added a phrase, like at the beginning of the last sentence, that at the discretion of the Planning Department, the Cultural Resources Commission may allow flexibility. In other words, it's gotta go through the Planning Department, and the Planning Department is given direction to triage, to segregate frivolous applications, and meaningless, you know, just trying to tilt windmills, that the Planning Department has got the -- is a gatekeeper that says if they feel as though that there's an exception or there's something we overlooked, then they can bring it and the Cultural Resources Commission has the capability of adding flexibility. But keep in mind that there is a sign ordinance, and that's the law. The guidelines are guidelines. Guidelines are not ordinances. Guidelines setup a framework that applies to the law, which is the sign ordinance. We're not passing a law here. We're not passing an ordinance here. We're putting out stamp of approval on guidelines, and one of the guidelines is if we miss something, if there's something we hadn't thought of, if there's an exceptional case, then we have the right to review it once that case is articulated by the Planning Department, and that should cutoff a lot of the meaningless applications. But this is a guideline.

Ms. Ricalde-Garcia: I like that modification for the last one. I think we should also modify "the applicants who are unable to comply," I think that should be reworded too because if they're unable to comply, then they should try their best to -- I mean is there any scenario where we're going to approve or review a case because they can't comply with it? That doesn't make sense to me.

Ms. Kajiwara-Gusman: I think, coming from a building inspector construction background, the only circumstance I can think of that would be in terms of a new tenant moving in or a remodel going on, and that's a temporary issue that, you know, they would need to I guess go through Planning.

Ms. Ricalde-Garcia: But they would have to go through Planning anyway.

Ms. Kajiwara-Gusman: Yeah, so what Frank was saying was actually, to me, was accurate.

Ms. McLean: If I could give a couple of examples that have come before you in the past. If you recall, part of what led to the revision of these guidelines, Barbara Long came in with a request having to do with the current guidelines, before this work, the current design -- the existing guidelines say that signs have to be carved or sandblasted, and Barbara produced incredible documentation showing painted signs and she wanted to be able to have a wood sign that was painted, and so she brought all that documentation forward to show it's historically appropriate to have a painted sign, and the CRC approved that for her. That wasn't in the old design guidelines and, yet, she made a very compelling case that that was acceptable. That's been corrected in these guidelines, but there are going to be other circumstances like that. Another one is, this isn't a great example, is Breakwall Shave Ice. We don't like the size of their sign. We don't like the colors and the font. But putting that aside, the design and shape of their building makes it virtually impossible for them to have any signage at all. The eave is too low for them to have a hanging sign, people would bang their heads, it has two big historic windows so there isn't any room for a wall sign; their best option is to put it up on the roof, and that's not in the design guidelines. What they presented, you folks didn't approve because of the size and the colors and so forth, which, you know, I think everyone agrees was an appropriate decision at that time. But that would be another reason for flexibility. So this is a fantastic document. It thinks of 99% of the cases, but the next Barbara Long or the next Breakwall Shave Ice that we can't anticipate now might have a really compelling case to say, you know, this is why I'm asking for flexibility in my particular circumstance, and then it's up to you guys, as a body, to hear testimony on that request and to decide is what they're asking historically appropriate? Is it going to look the way that you want Lahaina to look?

One more comment. It's a pretty daunting thing for people to come before you folks. That really isn't something -- when we tell people, you know, I think you're going to have to go to the CRC, they're like, oh really? And so you folks come every months, you're comfortable having your discussion, but for the general person or business person especially, it's a big deal for them to come before you and make their case. So I think you've had great discussion that allowing flexibility, but just a little bit of flexibility, so I think that's what you're saying is you want to allow some exceptions, but don't make it seem like, oh, it's a free for all. If you don't like these, yeah, come on in and ask. It's you really have to have a compelling case so I think that's where you're headed and I support that direction.

Vice-Chair U`u: Again, we have a motion on the floor, it's been seconded. We're discussing. You want to clarify or amend?

Mr. Skowronski: I think amending -- the idea would be to amend the motion so that it has to pass through the Planning Department first before it ever gets a chance to come to us so that they can be a gatekeeper and screen out the nuts and fruit, and just have the real cases, the real possibility of exceptions coming through. So I don't know whether we want

to add the phrase "at the discretion of the Planning Department, the Cultural Resources Commission can show flexibility," etcetera. Something to that effect and --

Vice-Chair U`u: Can Erin work on that?

Mr. Skowronski: Let me make another comment also. Let's put this to bed. Let's get rid of this. We've got too many other things going on. I think that if the rest of the document is to our liking, then this one phrase should not hold everything up. So I think that amending it to "At the discretion of the Planning Department's review," and then the rest of the sentence, I think that I would word the motion in those terms.

Vice-Chair U`u: Can we have a second on that, Arleen?

Ms. Ricalde-Garcia: I second.

Vice-Chair U`u: Second. Okay. We had the discussion, call for the vote.

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

It has been moved by Commissioner Skowronski, seconded by Commissioner Ricalde-Garcia, then unanimously

VOTED: a amend the main motion to add the phrase "At the discretion of the Planning Department's review," at the beginning of the last sentence of the Case by Case section on page 9 of the Lahaina Sign Guidelines.

Vice-Chair U`u: Motion passes. Thank you. Call the vote on the main motion.

It has been moved by Commissioner Skowronski, seconded by Commissioner Ricalde-Garcia, then unanimously

VOTED: that the Cultural Resources Commission consider the definition of these guidelines to pertain to the entire document and not to just sub-paragraph 6 of the historic rules of thumb, and to include the amendment of adding the phrase, "At the discretion of the Planning Department's review," the Case by Case section of sub-paragraph 6.

Vice-Chair U`u: Motion passes.

Ms. Wade: The only other thing that I would bring up is kind of referenced in the Lahaina Town Action Committee's letter to you folks. We did not include anything on shopping center identification signs, which were included on page 6 of the original design guidelines draft. And it didn't really occur to us, frankly, until this letter came in earlier this week, to do so, but given the point that was made by the testifier regarding Hard Rock Café, and possibly others within the Outlets of Lahaina, it refers into the shopping center -- in the shopping center identification signs, it refers to five shopping centers: 505 Front Street, The Wharf, the Lahaina Market Place, the Lahaina Shopping Center, and the Lahaina Center, where there may be special cases granted, specifically, it talks about shopping center identification signs, and this would be a ground sign primarily that not only identifies the shopping center, but also can a directory sign. So it essentially allows some degree of additional signage to the shopping centers, this -- it's just something we hadn't pulled in from the old draft into this new draft, and I had mentioned it on the phone to the Lahaina Town Action Committee, so I wanted to reference for you folks that, you know, whether you felt that that was an important element to pull in or not.

Vice-Chair U`u: Commissioners, discussion?

Ms. Kajiwar-Gusman: Are you guys going to amend your document to include this?

Ms. Wade: That's what I'm asking. We can certainly do that. There's a space. The place that it would likely be placed would be on page 7, where we have a convenient blank column, we could easily drop that in with the text from page 6 of the Lahaina Historic Sign Design Guidelines that are currently have.

Vice-Chair U`u: Should we open it up for public testimony? No need. Go ahead.

Mr. Skowronski: Erin, what are you trying to do?

Ms. Wade: Well, essentially, from our purposes and from our enforcement officers' purposes, it has been difficult to go out and tell Hard Rock, specifically, that they can only have the two signs because they have so much frontage, because it's way at the end of the street, and because it is difficult, so if you're -- essentially, you're going to stop as a pedestrian long before you get to Hard Rock if you can't tell what that building is, and if you knew and you could tell from coming down the block, you're getting to the ice cream shop, and you're wondering what's coming over there; it's much easier to identify if there's some readable signage from a distance. You can't read that Hard Rock sign until you're almost underneath it, at this point. So the other thing that was discussed in our community meeting was that that shopping center, and the shopping centers actually that are listed in here, are not on the historic register; they're not historic properties; they are a different character than the rest of the district. They're trying to assimilate some of the architectural style of the historic district, but they don't have the integrity that the rest of the majority of

the district has, so the fact that it was called out as kind of a special case in the current design guidelines, sort of led us to believe and led some conversation from the community meeting that maybe it would be worthwhile to pull that into this new draft.

Ms. McLean: Can I ask a question about Hard Rock in particular? In this photo, they have their hanging sign right at the corner, aren't they also allowed a wall sign?

Ms. Wade: They would be but the definition, right now, says that if it's above the eave, if it's above, it would have to be a building identification sign, which could then only be, essentially, the shopping center sign 'cause there's multiple tenants in that building, so where normally, like we would love -- I would love to look at that building and say between those two flags, there would be a Hard Rock Café sign, you know, that would be kind of an automatic except that the way that we define building identification sign means that that's gotta say the "Outlets of Lahaina," which they've already said that too many times to even say that again, you know, to advertise that again.

Vice-Chair U`u: Question. Didn't the last item we voted on would address what we're talking about?

Ms. Wade: You could -- this could be one that comes to you for flexibility if you wanted to say, you know, we require comprehensive sign plans in other parts of the district, so if the Outlets of Lahaina wanted to come in with their comprehensive plan to you and say here's where we'd like some additional leniency.

Vice-Chair U`u: I think that's one that will come in handy, my personal perspective.

Mr. Skowronski: My take on this is if in fact this were to come before us, this isn't what I had thought would be a function of flexibility, you know. No one told Hard Rock to go to the end of the street. That was their kuleana, okay. Speaking to the previous testifier's, okay, if the idea that Hard Rock Café needs anymore advertisements, I find that hard to believe. People know. People know where they're going if they're going downtown to Hard Rock Café. They don't need a yellow brick road to get there. If, in fact, the Planning Department were to consider this qualifying for an application for flexibility, and it came before us, my vote would be no. The idea that they have more frontage as opposed to a shave ice store, that's a slippery slope. Do you really want to rewrite the draft in which signs would now be setup as a ratio of every single store front size - you get this percentage, you get that percentage - I mean we're be here for hours. We'd have to reschedule two or three tmes a month to review these. This is the guideline. Hopefully, the triage or the Planning Department would look at this and say, no, this is not part of the flexibility. This is the ordinance. These are the guidelines. Don't waste our time.

Ms. Wade: Well, maybe as an alternative, we could refer then to those five shopping centers and request that they bring in comprehensive sign plans and have that just be part of the guidelines.

Mr. Skowronski: Well, I mean if it's a big enough issue, then have Hard Rock go out and buy up the rights of the other tenants and buy their rights to signage so that they can make a bigger one. I mean it's like giving them a credit or something.

Ms. Wade: Well, first, you know, the tenant is irrelevant, right. It could be a local restaurant. It could be really any restaurant in that space. We would treat it the same way based on the design guidelines. But in terms of putting any sign above that eave, so there's no wall sign space on that building in particular, except above the awning so -- and you're not allowed to put a sign there unless it identifies the building, in which we've said, in the building identification, that has to be either the date in which the building was constructed, the tenant's or the owner's name or historical owner's name, or the name of a building, like The Big Wave Building or something, but it can't be a tenant's business name unless they're the only occupant in that space. You can't buy it, unfortunately. I mean it wouldn't even be an option for them. So that's sort of why I'm trying, 'cause I agree with you, Commissioner Skowronski, I feel like it would be a huge extension of the case by case analysis if every time Lahaina Center or Outlets of Lahaina wanted to come in for an additional sign, if we were coming to you, there are so many signs in those tenant spaces, so it would be much better if we were able to deal with it in sort of some cohesive manner in the design guidelines, which is kinda why I'm raising it, but it might be more efficient in the sense that these really warrant a comprehensive sign plan because that's what we require of other single-owned multi-tenant spaces on the island, now that doesn't apply to Lahaina because it says specifically, in Chapter 16 of the sign code, this chapter of commercial signs shall not apply to the historic district, and then in Chapter 19.52, it does refer to here's what's required of signs and it, basically, is only you can have a hanging sign and you can have a wall sign, and if you deviate from that, you're going to the CRC and the county council for a variance, and that's the extent of the legal direction in terms of signs in the county code. From there, it refers to sign design guidelines. But if we made reference, and maybe it's not precisely what's in the current draft or the existing draft of the Sign Design Guidelines, maybe it's we acknowledge that there's these five shopping centers, we acknowledge that they're not historic; our preference would be for these centers to apply for comprehensive sign plans, and put the definition of those that's currently in Chapter 16, and say they will be reviewed both by the Planning Department and the Cultural Resources Commission, and that's the end. So what gets approved in the comprehensive sign plan is great for us, frankly, in terms of the department because they've already identified their plan for what they have to do, it's consistent throughout, and they need to stick to it, and the even better piece of that is it's not the Planning Department being the enforcement arm majority, it's the management of those shopping centers, so it takes some workload off of us, but it also, the moment that they sign a lease agreement,

they've been made aware that there's a comprehensive sign plan which they have to follow.

Mr. Skowronski: There appear to be enough mechanisms in place to clear this before it even gets to you --

Ms. Wade: Yes.

Mr. Skowronski: And then we would like the temperature in your room to rise so it doesn't have to rise here.

Ms. Wade: Yeah. Right. Thank you.

Mr. Skowronski: So you take -- why don't you do it and then bring it to us. But if, as a point of example, if that's the type of -- if that's type of exception that you're going to bring to us, please don't.

Ms. Wade: Yeah. Yeah. I agree with that. Okay, so --

Ms. McLean: If I could make a suggestion. The next step for this document, and Erin can correct me procedurally on this, would be for it to go out for public hearing before you guys, which is, for practical purpose, not much different than what we did today, but it's a formal procedural process that we need to follow, the rules get published, and we have the public hearing, and then you conduct the public hearing, make any final changes based on the input that you get, and then you can adopt the final version. If you think you're ready for that step, the suggestion I'm making is for that version to include the shopping center comprehensive signage plan, like Erin requested, so that it's out there. Then if at that meeting you choose to delete it, then that's fine. It's easier to take it out in that public hearing process than to put it back in. So there's language in front of you and in front of the public that you can get comments on, and then if you choose to take it away, you can do that. But, yeah, better to put it out there and delete it you choose than the other way around. It's not saying that you necessarily support that language but for the purposes of public hearing to have it out there.

Vice-Chair U'u: I think we need a motion to make it clear.

Mr. Skowronski: What would you like, Erin? Can you put together two sentences that we can include in the motion that would make the Planning Department easier to work?

Ms. Wade: Maybe the motion could state a request to include a section on shopping center signs that requires applicants to present a comprehensive sign plan to the Planning

Department and Cultural Resources Commission for review, and including a definition of comprehensive --

Mr. Skowronski: This is for single owner but multiple tenant establishments?

Ms. Wade: And I can even list them as it is done now. There's only five. We could list those now if you prefer.

Mr. Skowronski: So moved.

Vice-Chair U`u: Do we have a second?

Mr. Ricalde-Garcia: Second.

Vice-Chair U`u: Discussion? So this is to put on but if need be, we can take it off?

Mr. Skowronski: Right.

Vice-Chair U`u: Is my understanding. Okay.

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

It has been moved by Commissioner Skowronski, seconded by Commissioner Ricalde-Garcia, then unanimously

VOTED: to include a section regarding shopping center signs that requires applicants to present a comprehensive sign plan to the Planning Department and Cultural Resources Commission for review, and to include a definition of comprehensive sign plan and a list of the shopping centers.

Vice-Chair U`u: Next on the agenda?

Ms. Wade: Well, that's it for me.

Ms. McLean: Do we need a motion to approve the document as amended and send it out for public hearing?

Vice-Chair U`u: I need a motion to approve the document.

Ms. Ricalde-Garcia: I motion to approve the document.

Vice-Chair U`u: Motion been made. Do I have a second?

Ms. Kajiwarra-Gusman: Second.

Vice-Chair U`u: Call for the vote.

It has been moved by Commissioner Ricalde-Garcia, seconded by Commissioner Kajiwarra-Gusman, then unanimously

VOTED: to approve the document as amended and send it out for public hearing.

Vice-Chair U`u: Motion carries. Thank you.

Mr. Skowronski: So this is not the last time we're going to see this?

Ms. McLean: You'll see it at least one more time.

Ms. Ricalde-Garcia: We're moving forward.

Ms. McLean: At least one more time.

Ms. Ricalde-Garcia: We're moving forward.

Vice-Chair U`u: Back to you, Dave.

Mr. Yamashita: Okay, the next item on the agenda, item E, Kanalei Shun, I hope I pronounced that correctly, archaeologist with the Corps of Engineers will do a -- go through the presentation on the Iao Stream Flood Control Project.

G. DIRECTOR'S REPORT

Presentation on the 'Iao Stream Flood Control Project, Alternative F, results of archaeological inventory survey (AIS), Wailuku ahupua'a, Wailuku, Maui, Hawai'i, TMK (2)-3-4-032:001 (portion), by Kanalei Shun, U.S. Army Corps of Engineers. The project is a U.S. Army Corps of Engineers Flood Control Project in partnership with the County of Maui.

Mr. Kanalei Shun: Thank you very much, Commissioners, to allowing the Corps of Engineers to do this presentation. First of all, my name is Kanalei Shun. I'm the archaeologist for the Corps of Engineers, Honolulu District. And we have a project along

the lao Stream that we're mandated to bring this, by the regulations, to consult with groups, organizations, and people that may be interested or may be impacted by this project and to seek their opinion, advice, and -- but at least, mostly, it's to give you information and then, you know, as a unit, as a Commission, or as an individual if you have comments or have -- you know something about this project that maybe -- that may impact cultural resources and, you know, we're soliciting that kind of comments. And I was going to put up a presentation -- eh, what is that? Oh, I was going to put up a presentation but, unfortunately, it wouldn't download to this, so what we have is whatever you got right there, which is what the slide show was all about, unfortunately, so I was going to -- you see this, some of the stuff is not very big so I may have to explain a little, so I'd like to just take you through with this slide.

But before we do that, I just want to make a simple -- apologize, at least, for the last time, one of the Corps of Engineers' presentation, and it seemed like it may have been disrespectful to one of the Commission Members. It's not our intent to be disrespectful so, this is about a year ago, so I just want to make sure we will try and not to do that again so --

Ready? Oh, see, I think this August 7, so it's changed since. We can do it if we want. Oh, there we go. Great. Okay, so what it is it's a modification to the flood control. You know lao Stream. You know what it is. And lao Stream was constructed by the Corps of Engineers in the early '80s and '70s to make sure that it control the flooding that seems to be impacting residential houses on the lower end of the stream so -- and, apparently, there's been some destruction to the structure that we built, and also there seems to be a -- it wasn't seem to be working quite correctly. We bought it before the public, an environmental assessment, a while back and they had some issues with plan at the time, so we had to go back to the drawing board and try to come up with another plan that is more, you know, that takes into account the issues, the concerns of the individuals that we had brought up this -- the concerns of the individuals.

There's the project area. That's the blue line there that's lao Stream. And this is what we're looking at now is now an alternative. Incidentally, this will be presented as part of a supplemental environmental assessment later on, once it's compiled, and this supplemental environmental assessment deals with this alternative, which we'll call "Alternative F," and Alternative F deals with -- that Alternative F is a diversion channel. It's constructing a diversion channel. During flooding, it will divert the water to that little rectangular area there and that will eventually lead into the flood plain. The area to the left of the ...(inaudible)... is designated as the flood plain so --

Vice-Chair U'u: Kanalei, just for clarity, could you speak into the mike?

Mr. Shun: Oh, sorry. I'll try do that. I have a problem -- so feel free if you have any question. Imi Kala Bridge is that thing to the left of -- to the left of -- that drains into Piihana, that's Imi Kala Bridge, and right now it's closed, and it comes out to Imi Kala Street. The flood control area is the area that's been shaded. And the idea is to divert the water into this rectangular area, which is going to be a diversion channel, and that, eventually, will -- oh, if it doesn't overflow, it will go -- it'll pass through the flood zone and out into the lower end of the stream there. I'll show you, hopefully, we have a better ...(inaudible)... in here somewhere. That's the area right now, that the area of the project area, that's the flood plain that I'm talking about, and this is what the plan is, this is what the present plan is. The one on the lower left here. This is one ...(inaudible)...

Ms. McLean: Wait. Excuse me? Wait. Wait.

Mr. Shun: Oh, sorry. There we go. Okay, these are there areas. The project entails these four areas here, and I will explain what those are in a minute. Incidentally, this comes out of a set of drawings we that we have, plans and specs, and this is available, if you want, the whole specs, the whole drawing. We can supply it to you if you require it. What I've done is I've just taken piece, bits and pieces, pages here and there to keep this presentation short.

This is the project area. The flood plain taken about a year -- let's see, maybe three months ago, when they were bulldozed, when the people, they call them "squatters," the people that was using that area for agriculture purpose were evicted and the whole area was bulldozed, and this is what it looked like three months ago. Now, if you go down there, it's very grassy. You won't be able to see anything so --

And one of the issues about this -- this is the -- one of the issues about, from a cultural resource, this area is a flood plain, there is a potential for the native Hawaiians to traditionally to use it for the lo`i system, and even during historic time by the Chinese for rice paddies and that sort of stuff, so there is always the question that our channel, the proposed channel may impact some of the deposit, like walls from the lo`i system, so in order to see those lo`i system, if those walls exist, we did what we call a archaeological inventory survey, we went out and placed trenches, spaced out so that we would, if there is subsurface wall, we would run into it, so this is the plan of the trenches that we put -- I think it was ten -- nine trenches altogether, although it says ten, but I think it was actually nine.

Now, see this, I'm missing now some of the historic -- so you'll see on the map, there is some historic -- some historic pictures that are not there. Let's see, it's the -- yeah, so it's before the -- it's located before this, before it comes to this -- before it comes to this slide, there are some more maps that show you -- give some idea of where we're located. We conducted some historic background research. Sorry, it's actually -- sorry, I take that back.

It's actually after -- it's after this slide here. We did some historic research where we identified, yes, where we identified some of the earlier maps, and you see we tried to locate, we tried to impose -- superimpose our current project area, which is the area to the right. This is from an old USGS map. I'm not too sure what year this was. And the next slide is an old old map from -- it's an Alexander map from 1895, and you'll see the project area is a little yellow area, and you'll see from the old map that this is all mostly possibly belonging to the Wailuku Sugar Company, and there doesn't seem to be any lo'i system or anything like that indicated in the map.

The next map, next photo is an area that was taken in 1950, again showing the project location at the bottom right. It seems like the whole area has been extensively cleared for sugarcane or pineapple plantation. You'll note, there is a little black spot right there that could be the smoke from the sugar mill, the location of the old sugar mill.

And the next map is the 1956 area photograph of that area. Again with the location of the project area. Now you'll see there seem to be some allocation of the project area into parcels. And then go back to the map of the area after it go cleared.

So what we did as part of the process to investigate potential cultural resources in the project area what we did was we laid out the trenches along, ten trenches, where the diversion channel would be excavated. The diversion channel itself is very big; it's very large. It's about I think it's 230 feet, almost like the size of a football field, and the purpose of the diversion channel was to hold water, that flood water from going into the stream itself. It diverts it. What we're going to do is -- so here's the diversion channel that we're proposing to construct, and it's going to be about, at the front here, it's going to be about -- it goes to about eight to ten feet deep, and the purpose of it is, as the water comes out here, there is a weir located at this location here that'll allow, during regular, you know during less than 10-year storm or flooding, it'll allow water to go through and go on down, but if there's like a major flooding, like a 100-year event, then what it'll do is it'll divert this flood into this particular containment area, or this rectangular area, and then from there, if it floods, it'll flood into the already flood zone here, and then it'll come out here and then we'll -- there is this berm that'll protect it from going back, so this berm will protect, it will stop the water from going back into the stream, so the idea was to just let the water run back down through this flood control -- what do you call it? Flood plain. Flood plain back into the stream at this angle here. So they will do a major outlet channel or outlet here made of concrete, this will be a huge weir located at the mouth, across the channel itself, and these are minor renovations. This is a minor renovation to stabilize the wall on this side of the present channel.

So part of the complying with the cultural resources rules and regulations, both at the county and at the federal level, we had to go make sure that there is no subsurface archaeological resources or cultural resources in that area where we will be impacting, and

the key part was, the key concern was subsurface sites, especially old walls or lo`i systems, or lo`i system walls and that sort of stuff. So we did the trenching. This trenching was done by excavators, and this gives you the profile of the subsurface, of the layers under each trench, and from that, we did a composite of the layers, and we noted that like the top three layers, like one, two, three, were all kind of associated with the sugar industry, the sugarcane agricultural industry, we had found some black plastic on layer two, and glass. This black plastic is from material that covered sugarcane after it's been cleared. There's some clear glass down here at the bottom of layer three, and this here gives you degrees, centimeters in depth we went down, so in this particular, we went down to about a hundred and -- it looks 160, 165, 170 centimeters below surface, and then we, below this layer five, which we think may have been associated with sugarcane cultivation itself; below that is this particular -- this would have been the prehistoric layer, if there was such a layer, but prehistoric I mean would be contact, pre-contact layer where you would anticipate finding lo`i systems, walls, and that sort of thing, those such structures. And then below this, these are just deposit, deposition from alluvial deposits. All this, the remaining layers below that are from alluvial deposits. We had found big boulders, big basalt, rounded basalt, obviously, we placed there by -- from flooding areas during the formation of early, early years of lao Stream.

So, basically, we're saying that -- we're concluding that, in this particular project area, there's no cultural resources or cultural -- any item that represents an archaeological site or cultural resources, and so -- but, however, we're not certain, because we're not certain, we recommend that, during construction, we'd have an archaeological monitor present. So that's what we would recommend from the state. So if you folks have any comments or think that there may be something there that we should be looking at, we're asking for that kind of information.

Vice-Chair U`u: At this time, I'd like to open it up to public testimony. Seeing none, public testimony is now closed. Questions for the testifier? I have a question. This is just based on the hundred-year storm that -- that is the reason --

Mr. Shun: Yeah, the rare occasion.

Vice-Chair U`u: The rare occasion.

Mr. Shun: ...(inaudible)... you'd have hundred-year flooding so --

Vice-Chair U`u: Okay.

Mr. Skowronski: I have a question. Who determines a hundred-year storm?

Mr. Shun: That's actually a good question. There is a, at the Corps of Engineers there's, you know, I guess there must be a record somewhere that shows where, how high the water is during a certain period.

Mr. Skowronski: Well, as you well know, there's now new stream flow coming down lao of undetermined quantity.

Mr. Shun: Right.

Mr. Skowronski: Who makes the call to open the weir?

Mr. Shun: Well, the weir's always open. It always, you know, during the normal period, it allows water to go through it. But as it floods, you know, the water comes rushing down. It'll just divert.

Mr. Skowronski: But I mean where -- who and where is the decision made to divert the water into this holding pond? Who makes that decision?

Mr. Shun: What it is is the construction is such that that will automatically do that.

Vice-Chair U`u: So overflow.

Mr. Skowronski: It's an overflow.

Mr. Shun: It's an overflow, right. It's an overflow. So the overflow will be diverted into that direction rather than going over the top and back into the stream again. It's just redirecting the flow.

Mr. Skowronski: So the overflow elevation has already been established?

Mr. Shun: Right. In the design, and that'll be in the plans, if you're interested.

Mr. Skowronski: Do you know how high that overflow is from --

Mr. Shun: I think it goes up to the top of the current top of the stream size, stream channel.

Mr. Skowronski: So the overflow would not occur until the flood water broach the existing bank of the river.

Mr. Shun: Right. And that'll be concretized, it'll be grouted and to make sure that, you know --

Mr. Skowronski: Okay. And the amount of -- what's the capacity of this overflow approximately?

Mr. Shun: It's huge. It's about 80 -- let's see. It's about 200 -- I have a map, so if you're interested in getting this --

Mr. Skowronski: No, I'm just ...(inaudible)...

Mr. Shun: No, no.

Mr. Skowronski: Because it's -- you're essentially building two overflows because you're diverting the water from the stream into this holding area --

Mr. Shun: Right.

Mr. Skowronski: And then once it fills the holding area, it gets diverted into the flood plain.

Mr. Shun: Right.

Ms. Skowronski: So, how much water goes into this initial holding area before it inundates the flood plain?

Mr. Shun: Oh, I can tell -- let's see. I'm not an engineer, incidently, so I have to go back and look at these plans. So there is a certain depth to this -- to the channel itself, to the rectangular channel, so it was explained to me one time by the engineers and, unfortunately, that was, what, three months ago so --

Mr. Skowronski: Is -- let me ask another one. Is there anything in this improvement or in this scenario that would inhibit the free flow of the water from mauka to makai?

Mr. Shun: No.

Mr. Skowronski: Is there anything that would stop the water from it's free flow to the ocean?

Mr. Shun: No. Because there is that weir at the bottom of the structure that will be over the -- across the channel right now, and then during normal hours, it'll go through the weir ...(inaudible)...

Mr. Skowronski: So this is, essentially, a passive improvement.

Mr. Shun: Right.

Mr. Skowronski: There's no mechanical way to stop the flow of the stream to divert into this holding pond.

Mr. Shun: To diver to the -- to the rectangular structure?

Mr. Skowronski: Right. There's no mechanical way --

Mr. Shun: No. There's no mechanical --

Mr. Skowronski: There's no human way to do it. This is all passive ...(inaudible)... on the height of the wall of water.

Vice-Chair U`u: Question? Bridget.

Ms. Mowat: I -- with the two, you know, you were talking about a big storm where the water will -- the river rises and automatically --

Mr. Shun: It's a hundred-year storm is what they --

Ms. Mowat: Okay, so that a big one. So what happens if both of them fill up?

Mr. Shun: Both?

Ms. Mowat: Both of your diversion areas?

Mr. Shun: Well, based on the studies that it'll flow, they will divert it only to the one side, to the left to that rectangular structure, and from there, it'll stay and it'll either --

Ms. Mowat: What if it rises and rises and rises?

Mr. Shun: It will rise up and when it rises to the top, it'll go down to the flood plain.

Ms. Mowat: Okay, and then what happens if --

Mr. Shun: And then it goes out of the outlet at the bottom of the --

Ms. Mowat: It goes back into the -- back in to the stream, at the bottom of the stream?

Mr. Shun: Right. At that point --

Ms. Mowat: So what impact would it be?

Vice-Chair U`u: We're done with the --

Mr. Shun: We're done. Then it's pau.

Ms. Mowat: Yeah. Okay, so I was just curious because if there -- you know, with the area around it if --

Vice-Chair U`u: It's basically one overflow from the existing --

Mr. Shun: Right.

Vice-Chair U`u: To re-channel the water in a direction that will be less intrusive on the -- or I guess on residents and whatnot, but without it, we'll be facing something ...(inaudible)...

Ms. Mowat: And what Frank was saying, he was asking to make sure that there was no diversion on a normal day, a regular day from the stream itself going down.

Mr. Shun: That would be a -- that'll be whole -- there's going to be a weir at the bottom of the damn that'll allow water to go through during normal ...(inaudible)...

Vice-Chair U`u: Anymore questions? Seeing none, thank you.

Mr. Shun: Oh, thank you very much.

H. NEXT MEETING DATE: December 4, 2014

Ms. McLean: Commissioners, the next item on the agenda is the next meeting day, and I'll confirm with Suzie, it says on the agenda December 4, which is a Thursday as you usually have, but there's the training session on December 3 and 4, so that meeting will be the following day, Friday, December 5, at 10:30, and I think we have the calendar for 2015, either Suzie will put it -- oh, you'll put that in the December packet. So Friday, December 5, is the next meeting date.

I. ADJOURNMENT

Vice-Chair U`u: At this time, we'll take a motion to adjourn.

Mr. Kajiwara-Gusman: Motion to adjourn.

Vice-Chair U`u: Second?

Ms. Mowat: Second.

Vice-Chair U`u: Meeting adjourn.

There being no further business brought before the Commission, the meeting was adjourned at 12:22 p.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present

Bruce U`u, Vice-Chairperson
Christy Kajiwara-Gusman
Bridget Mowat
Arleen Ricalde-Garcia
Frank Skowronski

Excused

Warren Osako, Chairperson
Gaylord Kubota
Owana Salazar
Janet Six

Others

Michele McLean, Deputy Planning Director
David Yamashida, Planner, Long-Range Division
Erin Wade, Small Town Planner