

CULTURAL RESOURCES COMMISSION
REGULAR MEETING
JULY 7, 2016

*** 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 Chairperson Janet Six, at approximately 11:03 a.m., Thursday, July 7, 2016, 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).

B. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony can be found below.

C. INTRODUCTION OF NEW MEMBER – IVAN LAY

Chair Janet Six: I call to order the meeting of the Cultural Resources Commission. At this time, we'd like to ask for public testimony. Public testimony will be taken also at the end of this -- of the presentations, except in contested cases. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will, in this case, be allowed to testify again when the agenda item is discussed unless there's new or additional information offered. Maximum time limits of at least three minutes may be established on individual testimony by the Commission. More information on oral and written testimony may be found below.

I'd first like to introduce our new member, Ivan Lay.

Mr. Ivan Lay: Hi, everyone. Glad to be here.

Chair Six: Aloha. And also announce that Mikala Enfield has resigned and stepped down, so we will be seeking another person from Lanai to fill her spot on the Commission. And now we'd like to go onto agenda item D, which is approval of the minutes of May 5, 2016. Oh, I'm sorry. Is there any public testimony? See I have to have help. I so need help. Any public testimony? Okay, we will have a chance later if anybody does show up for that.

D. APPROVAL OF MINUTES OF THE MAY 5, 2016 MEETING

Chair Six: Alright, on to agenda item D, approval of the minutes from the May 5, 2016 meeting. Do we have anyone that wants to make a motion to approve the minutes?

Mr. Frank Skowronski: So moved.

Chair Six: Okay, we have -- do we have a second?

Mr. Timothy Bailey: Second.

Chair Six: Alright, we have a motion to approve the minutes, and a second. Are there any discussion?

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

VOTED: to approve the minutes of the May 5, 2016 meeting.

Chair Six: Minutes passed.

Chair Six read the following agenda item into the record:

E. PUBLIC HEARING (action to be taken after public hearing)

Nomination of the Crozier Residence to the Hawai'i Register of Historic Places, 2246 Main Street, Wailuku, Hawai'i, TMK (2) 3-4-014:008 (A. Kehler) (Previously scheduled for the June 2, 2016 meeting. Commissioners: Please bring your documents from the June 2, 2016 agenda packet.)

At the close of the public hearing, the Commission shall provide its recommendations on the following: (1) whether the property meets the criteria for nomination; and (2) whether the State Historic Preservation Officer should nominate or reject the proposed nomination. The Commission may provide recommendations on this item pursuant to Section 2.88.070, Maui County Code

Chair Six: It has been brought to my attention that the applicant has revised their nomination papers and only recently submitted it to Annalise, therefore, we may -- excuse me, there may even be further revisions to the application so I would like to ask to defer this item to our next meeting. Does anybody have an objection 'cause it has new information we have not seen?

Ms. Owana Salazar: Letter E? Item E?

Chair Six: Letter E. What we have in our packets was the previous application and there's been a revised application submitted so we do not have that information to comment on, so Annalise has brought it to my attention so we'd like to ask to defer that to the next meeting.

Ms. Salazar: Yes.

Chair Six: Anyone have a motion to do that?

Ms. Salazar: I will move that we defer it to the next meeting.

Chair Six: Okay, Vice-Chair Salazar has made a motion. Is there a second?

Mr. Bailey: Second.

Chair Six: Seconded by Commissioner Bailey.

It has been moved by Commissioner Salazar, seconded by Commissioner Bailey, then

VOTED: that item E be deferred until the next meeting.

Chair Six: Deferred to the next meeting. Alright, New Business.

Chair Six read the following agenda item into the record:

F. NEW BUSINESS

Dean Frampton of Frampton & Ward, LLC on behalf of Paia Fish Market requesting approval of a Historic District Assessment to construct a 20" tall railing on an existing concrete wall at the new Paia Fish Market restaurant, located in County Historic District No. 1, 632 Front Street, Lāhainā, Hawai'i, TMK (2) 4-6-008:003 (A. Kehler)

The Commission may approve or deny the assessment pursuant to Subsection 19.52.020.A, Maui County Code

Chair Six: And is there going to be a presentation, Annalise?

Ms. Annalise Kehler: Yeah. So as you mentioned, this assessment is for the construction of a 20-inch tall railing on an existing concrete wall, and it's for the new Paia Fish Market restaurant that will be opening in the location at the former Burger

King on Front Street in Lahaina. Just a little bit of background, the building was built in 1980, and it's in a modern style, and it has an outdoor dining area on the Front Street façade, it's enclosed by the concrete wall. It was originally topped by with the wood picket railing, and that was removed due to termite infestation. If you look at Exhibit 1 of your staff report, there's a picture of what the old railing used to look like, and the restaurant needs to replace it for a couple of reasons: One is liquor compliance, and then the other is keeping people from sitting on the railing. And this assessment, it meets the requirements for administrative approval, pursuant to 12-31-19 of the CRC's standards and criteria, but we're bringing it to the CRC today because it uses materials that are not included in the *Architectural Style Book for Lahaina*, and the Style Book is one of several documents used by this Commission to determine appropriateness of proposals within the county historic districts or, specifically, Lahaina Historic Districts.

The proposed railing will consist of powder coated stainless steel posts and rubber coated stainless steel cables, and it will be topped with ipe wood top rails. So in Exhibit 2, that's just a -- that's a sketch of what the proposed railing will look like, and then Exhibit 3, it kinda shows what the proposed railing visually will look like with the wood on top and the metal posts and metal cables. And then Exhibit 4 demonstrates the scale of the proposed railing, so it'll be real small, 20 inches.

Chair Six: I have a question. When the cap is tipped at 45 ...(inaudible)... drainage but mostly ...(inaudible)...

Ms. Kehler: Yes. Yeah. So, today, the CRC is tasked with approving this assessment, and so the CRC can approve this assessment as presented to you today, or you can deny it. If you deny it, you can give recommendations on what you think would be more appropriate, and then the applicant can come back, but you cannot do conditions. And so the department feels that even though the Style Book promotes wood picket railings for their historic appearance, which you can see in Exhibit 5, that's a sample from the Style Book showing picket railings, picket railings aren't necessarily appropriate for this building because it is a modern building and it's for a modern use, and applying elements that are historic in nature to a modern building is in conflict with other guidance documents of this Commission, and this department feels that the proposed railings are appropriate because of their light and transparent visual appearance, and also they're using materials that are more in line with the building materials of the structure, that the proposed railings are more appropriate.

And before we get into deliberation, we have the applicant, Yuri here, and he can talk to you folks about the restaurant and stuff like that.

Mr. Dean Frampton: Good morning, Madam Chair, Members of the Commission, Deputy Director.

Chair Six: State your name, please.

Mr. Frampton: My name's Dean Frampton, and we're here representing Yuri Solidad and the Paia Fish Market. Thank you, Annalise, for your presentation. I think you did a good job of covering the basis; just one point of clarification. The agenda notes that it's in Historic District 1; I believe we're in Historic District No. 2. As I said, Annalise did a good job of kind of covering the basis and, at this point, I'm going to ask Yuri to come up, introduce himself, tell you a little bit about his -- the project, and then we're available for any questions you may have. And in addition, I'm going to pass around a sample of the railing cap for you guys to look at while Yuri's speaking. Thank you.

Ms. Kehler: Really quick, before Yuri comes up, I just wanted to point out one more thing from the staff report. The other reason the department feels this particular railing is okay for the historic district is that there's precedence for a similar railing system that's used on a building that's listed in the National Register, and that's the Maalaea General Store, and that's Exhibit No. 6, and you can see -- I mean even in this Xerox of the exhibit, you can barely see that railing so that's another point on the appropriateness of the proposed railing.

Mr. Yuri Solidad: Good morning. My name is Yuri Solidad, I'm one of the owners, part owners of the Paia Fish Market, and for those ones who don't know the Paia Fish Market, we have a restaurant located in the heart of Paia, it's a family-style restaurant with communal tables, and my history with the company is I started there as a dishwasher, and back in 1995. The restaurant's been open since '89 and, basically, I've been working from the dishwasher, moved from that to a cook, manager, and become one of the part-owners, luckily. So we've been very fortunate, and now we serve local fresh fish, we give out large portions, and, you know, locals love it, and we've been very successful. Recently, we opened another location in Kihei, about a year-and-a-half ago, and, basically, for me, I want to give the same opportunity that I had to become a part-owner to some of the fellow colleagues that's been working at the Fish Market for many, many years. So with that progression, we decided that we needed to take one more step forward, and then we decided to open the one in Lahaina, and luckily we, you know, we found this great location, it used to be a Burger King, and hopefully now we can provide really good food and a really good atmosphere for, not only the locals, but for the tourists as well.

Yeah, basically, you know, the proposed railing is just a form that we can protect the outside area and keep a little barrier between, you know, the activities that's actually going on. If you guys know, Lahaina, and especially that part of town, there's a lot of activity. You know, we've been working on this project for about a year, and it's been, you know, several times where we come in, there's people sleeping, partying on the front, and then our idea is just to protect and make sure people understand that that's

part of the restaurant and not being able for people just to step right over or site on curb and doing things like that. So I hope you guys approve our petition and if you have any questions or any comments, we're here to answer anything and, yeah, we can't wait to be part of the community, help Lahaina become an even better town, especially that side of town. You know, I understand the ...(inaudible)... we're very lucky to be in the situation to even have this opportunity to own this amazing location, and we can't wait to be part of the Lahaina community.

Chair Six: Thank you very much. Are there any questions?

Mr. Bailey: I have a question. So looking on the picture where it says the wood picket railing have been removed, the bottom part of that, is that, if I remember right, that's hallow tile?

Mr. Solidad: Yes.

Mr. Bailey: Has that been removed as well?

Mr. Solidad: No. It's being the same.

Mr. Bailey: With this new rail guidelines coming in, there's no -- are you guys going to tear that -- those bricks out and then place -- replace the railing there or you're building the railing farther out on the sidewalk?

Mr. Solidad: We're actually just going to be on top of that existing, yeah.

Mr. Bailey: On top. Okay.

Mr. Solidad: So it's, basically, a 20-inch railing that is going to be on top of the existing concrete wall.

Mr. Bailey: Okay.

Chair Six: I have a quick question. I remember when this Burger King opened. It's practically a historic building. So you're replacing the wood picket fence. Are you replacing any of the other details 'cause they're trying to make it obviously to look kind of plantation with the lattice and the stuff up top, is that just --

Mr. Solidad: Yeah, basically, everything else remains the same. There was just some lattice on the outside but that was termite infested too.

Chair Six: Good. I would say get rid of it --

Mr. Solidad: Yes.

Chair Six: Anyway.

Mr. Solidad: And then we actually had some detail on the posts that we wish we could remove but we decided to leave it alone and don't touch anything else.

Chair Six: So at night you'd be able to secure this area, you'd have a gate, if you close up -- the restaurant's closed at night, you can keep people out of this area.

Mr. Solidad: Yes. The idea is, basically, once we raise that with the railing, people automatically is going to assume that there is a secured area so, hopefully, you know, we're not going to have to keep people from coming in, and then they'll just have an understanding that that's a private property.

Chair Six: So will there be gates?

Mr. Solidad: Not at the moment.

Ms. Salazar: So this top, this is now all removed?

Mr. Solidad: Yes, ma'am.

Ms. Salazar: Okay.

Mr. Lay: Okay, so this is all going to be in compliance with the state liquor laws, state and county liquor laws, right?

Mr. Solidad: Yes, sir.

Mr. Lay: So it has to be done, right?

Mr. Solidad: Yes. They, basically, they're working with us. We've been in the process for about a year now. They hope to have an area where you cannot physically just step right over and pass it on, and that's why they proposed the height. That height came from the inspector that came in, and then they -- they, basically, want to see that, so they're the ones that proposed with the existing concrete wall and that's how we came up to 20 inches on the railing.

Ms. Salazar: Is the current -- well, the former wooden picket railing, was the 20 inches?

Mr. Solidad: I believe it was about 24 inches.

Ms. Salazar: Oh.

Mr. Solidad: So we decided just to go a little lower so that way if you're sitting down, you can have a clear view of the park.

Mr. Lay: That hand rail, the way you're structuring it now where you have the wires and stuff and stuff, it's to help the ventilate the people too, right, instead of having a wall that blocks the ventilation?

Mr. Solidad: Correct.

Ms. Salazar: Well, so what I'm hearing Annalise say is that the proposed wire and -- we call it wire and -- the cable.

Mr. Solidad: The posts and the cables.

Ms. Salazar: The cables, yes. This is in compliance with the -- in keeping with the historic place, Annalise?

Ms. Kehler: What I'm saying is that even though it's not a design or material that's promoted in the Style Book, that it is compatible with other materials in Lahaina, and the use of the wood top railing, yeah, it kind of ties it in with other, 'cause wood is the most prevalent material in Lahaina, so the wood relates to other buildings but it's not creating a false historical appearance; it's just, you know, clean lines like the rest of the building.

Ms. Salazar: Yeah. Well, my point is that I'm just concerned to make sure that we are in compliance with the historic grading for Lahaina, so it's in district 2, so it's a different --

Ms. Kehler: Yes.

Ms. Salazar: It's not as -- it's a little more lax than district 1.

Ms. Kehler: District 2 is primarily the Front Street commercial, which is mostly plantation era, and then district 1 is the Hawaiian, pre-plantation.

Chair Six: I think too it's important to remember this is a 1980s building so --

Ms. Salazar: I know that.

Chair Six: No, no, but I mean the thing -- what I didn't like about the Burger King is they're trying to make it look kind of cutesy and I -- no, I know you do, I'm not questioning that, I'm just stating for the record, and also that I think Annalise put it very

eloquently that there's a precedent set in Maalaea, that they've used this in a building that's on the Historic Register, correct?

Ms. Kehler: Correct.

Chair Six: Yeah. So I think we would be in compliance and I think the recommendation is for to either -- and we can approve or deny, and we can deny, but we can't approve with reservations. We would deny, you know, and then -- and they would come back before us again.

Ms. Salazar: Will we be seeing you with signage things too, while we're -- if you have a business there?

Mr. Solidar: Yeah, I think we applied for some signs. We're having a company do that for us. But I know the landlord is probably going to come back for a second phase on that project, but I don't know exactly what their --

Ms. Salazar: Well, as long as you know the guidelines for signage too, that'd be good.

Mr. Solidar: Yes.

Chair Six: Is there any other discussion, Commissioners? And now I should open it up for any public testimony. Is there anyone that would like to make comments on this? Okay, since there doesn't seem to be anybody, we're going to close public testimony at this time. And is there anything else the applicant would like to add? And we can now have discussion.

Mr. Lay: Motion to approve.

Chair Six: So we have a motion to approve the design. Is there any --

Mr. Frank Skowronski: Second.

Chair Six: Second. So we have a motion and a second to approve the design as is. Any discussion? Yeah.

Mr. Lay: I made the motion because I kinda -- I grew up in Lahaina, so it was originally Dairy Queen, then Tasty Freeze, and then Burger King, so I've seen the changes, and we're going to have a fish place over there now, fresh fish, yeah, in Lahaina, right next to the Banyan Tree, I'm looking forward to it.

Ms. Salazar: It'll be a vast improvement.

Mr. Lay: I love the open-airness of it and that's a small step to, you know, bringing that area to a nice relaxing ...(inaudible)...

Chair Six: And I ran Finest Kine Sports Fishing for seven years so the boys are going to love being able to sell fish right across the street. That's going to make it very nice, and for locals as well as the visitors.

Ms. Salazar: Plus, I think it's going to be cleaner. You know, right now, when the Burger King was there, it was just -- we couldn't even walk in the place so --

Mr. Lay: One more thing. Yuri, that's a great success story too.

Ms. Salazar: yeah.

Chair Six: And being able to help others achieve a similar success, and having the opportunities, local opportunities, and not just these big Mainland chains. It's very favorable to me and I think it's a better use of this area. So is there anymore discussion?

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

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

VOTED: to approve the design as presented.

Chair Six: You got a railing baby. Alrighty, moving right on to the Director's Report.

Ms. Salazar: Thank you.

Chair Six: Thank you very much. Director's Report? Oh, I just wanted --

G. DIRECTOR'S REPORT

Discussion on changing Cultural Resources Commission meeting time from 10:30 a.m. to 11:00 a.m. to accommodate outer island commissioners

Ms. Kehler: Oh, so discussion on changing the CRC meeting time from 10:30 a.m. to 11 a.m., this was to accommodate outer-island Commissioners, I am not sure if this is still something that the Commission feels it needs. It's up to for discussion.

Chair Six: So you heard that Mikala resigned. You came for that. You were here?

Ms. Salazar: I believe so.

Chair Six: Okay --

Ms. Salazar: She's from Lanai.

Chair Six: Yeah, so she liked to take the boat and sometimes the boat would have issues. If we had someone that flies, then it's not the same.

Ms. Salazar: We already discussed this. I know we were willing to do the 11.

Chair Six: So what -- because she's no longer -- because she's no longer -- I think they're saying we have the option to resort back. Does anybody want to go back to 10:30? I'm fine with 11, personally. I come from Hana so it gives me more time so I'm--

Ms. Michele McLean: Let me -- the CRC actually used to meet at 10, and then the time was pushed to 10:30, when Warren was the representative from Lanai, to give him more time, and he was, from what I recall, always here by 10:30, and then Mikala wasn't able to get here quite as directly as Warren was so that's why we were talking about pushing it to 11.

Ms. Salazar: But we don't have one from Lanai right now.

Ms. McLean: We don't have one from Lanai right now, and we don't know how that person will choose to travel, so it really is up to you folks of what a good time is, and I don't know what time Whitney arrives --

Ms. Whitney Apo: I'm here early.

Ms. McLean: You're here early? Okay. So it really is your preference at this point, and then it can always be revisited once the Lanai member comes onboard.

Mr. Lay: For me it's you're coming out from Hana so ...(inaudible)...

Chair Six: But I always make it. I always make it because I leave early, but I'm saying I, personally, don't care, but if there's someone that meeting earlier is better for them, the other Commissioners, then I'm fine with moving it too. So it's up to the Commissioners. Anyone feel strongly about changing it back to 10:30 or 10 or?

Ms. Salazar: Yeah, but if we do early, we're done early.

Chair Six: We're done before -- usually before lunch, so you want to move it 10? It doesn't matter to me 'cause I'm coming out anyway.

Ms. Salazar: Sure.

Mr. Skowronski: How about we move it to 8:30 and have the county pay the per diem from the night before?

Chair Six: Or they could fly me out. That would be ...(inaudible)... and get me a car.

Mr. Skowronski: ...(inaudible)... reasonable request?

Chair Six: I like that. All in favor of Frank's plan. So what I'm hearing is 10 or 10:30? 10? Do I hear 10?

Ms. Salazar: 10 is fine.

Chair Six: So do we have a motion to change the next meeting to 10 am?

Ms. Salazar: Okay, I move to have our next meetings at 10 am until further need arises for the Lanai person, who's going to be coming in.

Chair Six: Is there a second?

Mr. Skowronski: Second.

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

VOTED: to move the meeting time to 10:00 a.m. until further notice.

Chair Six: Fast. Alright, so is there anything else? I just wanted to mention, in the packet, there is the responses to our questions about Palauea, and I just wanted to bring attention that there's almost \$400,000 in that account, so when I was working Palauea, back in 2012 with the college, there was about 90,000 in there, so that, Palauea, that fee that's going on the resale of the lots is fairly robust 'cause the lots are -- the homes are going for 15 to 20 million, so even a half of a percent is a considerable -- .05 or whatever is a considerable chunk of changes, so that's just if you want to take a look at that. We're not going to mention or talk about it. I just wanted to point that out that that's what's in there.

H. NEXT MEETING DATE: August 4, 2016

I. ADJOURNMENT

Chair Six: The next meeting is August 4, at 10 am. Meeting adjourned.

There being no further business brought before the Commission, the meeting was adjourned at 11:28 a.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions

RECORD OF ATTENDANCE

Present:

Dr. Janet Six, Chairperson
Owana Salazar, Vice-Chairperson
Whitney Apo
Timothy Bailey
Ivan Lay
Frank Skowronski

Excused:

Christy Kajiwara-Gusman
Arleen Ricalde-Garcia

Others

Michele McLean, Deputy Planning Director
Annalise Kehler, Cultural Resources Planner
Jennifer Oana, Deputy Corporation Counsel