

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
SEPTEMBER 4, 2003**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chair Dawn Duensing at 9:14 a.m., Thursday, September 4, 2003, Waiola Church Social Hall, 535 Waione'e Street, Lahaina, Island of Maui.

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

B. APPROVAL OF THE MEETING MINUTES OF AUGUST 7, 2003

Ms. Lori Sablas asked for a correction to page 27 as follows:

I have been involved in one of your work sessions.

It was then moved by Mr. Lon Whelchel, seconded by Mr. Milton Pa, then unanimously

VOTED: To accept the meeting minutes of August 7, 2003 as corrected.

Ms. Duensing: The first item on our agenda is Permit Review. Before we move on to Permit Review, we'll allow public testimony on any item on our agenda in case anybody cannot stay for that item and wishes to speak now. If not then, we will have Ms. Kili Namauu.

C. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS

- a. **MS. KILI NAMAUU on behalf of Na Leo Pulama O Maui requesting a time extension on a Historic District Approval for a special use for the continued operation of the Punana Leo O Maui Preschool within Historic District No. 3 located on the Ka`ahumanu Church property on the corner of Main Street and High Street at TMK: 3-4-014: 002, Wailuku, Maui, Hawaii. (HDC 2000/0004) (R. Loudermilk)**

Ms. Robyn Loudermilk presented an overview of the proposed project and the Planning Department's report.

Mr. Milton Pa: Good morning. This time extension is for five years. Should your new facility be completed within that period of time, you will be moving?

Ms. Kili Namauu: Yes.

Mr. Pa: My question is, should there be something in the conditions stating that whether – should the new facility be completed within five years then they will be moving?

Ms. Loudermilk: I understand what you are trying to indicate. Yes, we could propose an amendment to condition no. 1 of the recommendation that the Historic District approval shall be valid until September 30, 2008 subject to the extension on a timely request. Should the applicant relocate prior to the September 30th date then the approval will be void. Something to that extent. If you can just give me some additional time to work on the language.

Ms. Duensing: It might be easier to just say September 30, 2008, or whenever the building is ready for occupation, or something like that.

Ms. Loudermilk: Or when the preschool relocates to the future site.

Ms. Duensing: I think what Milton is saying though is when the building is ready, the conditional use permit should expire.

Mr. Pa: Should expire, right. I'm afraid that they may continue to use it when their new building is completed. They may continue to use it. I don't know.

Ms. Loudermilk: I understand. I think we're just probably talking more semantics in terms of the building is completed, but they may not be authorized to relocate to the building until they get a certificate of occupancy or something like that.

Ms. Duensing: That's why I said when this building is ready for occupation would probably be the key term there.

Ms. Namauu: We could certainly live with that.

Ms. Duensing: I'm sure they're anxious to go because I know they've been talking about this project for many, many years.

Ms. Namauu: A long time.

Ms. Duensing: Any other questions from Commissioners? Okay, I think we all support Punana Leo without a doubt. We'll be happy to see the new facilities. And I'm sure that will assure that the children get the best education possible as well.

Your recommendations, Robyn? Oh, any public comment? I'm sorry. Okay, then I think we can proceed with staff recommendations.

Ms. Loudermilk: The staff recommends the time extension with the amendment to

condition no. 1 to ensure that should the new building be ready for occupancy prior to the September 30, 2008 date that the permit itself, the use permit, would cease to exist. And that concludes the staff recommendation.

Ms. Duensing: One other thing that I might like to add is I agree with the SHPD. We don't have any architectural concerns, but if there is any proposed work, it should be submitted to SHPD as well as this Commission because that building is indeed historic.

Ms. Loudermilk: Okay, so then we'll add a condition no. 9 incorporating the SHPD comments if there's any future work onto the building.

Mr. Erik Fredericksen: I've got a question for Kili. Good morning, Kili. The only thing I would say in this whole affair, as it were, is just be sure during this next – hopefully, it'll be well less than the five-year period, don't do any extensive subsurface work there. I don't think you folks would need to because you've already done the playground facility and everything. It's just that area has not had an inventory survey and there's several significant features within that whole complex.

Ms. Namauu: Actually, we needed to upgrade our playground and I had asked Robyn about this question last week if there is a possibility to do something for a trike path. And she reminded me about having to be aware of grubbing and things like that. So we decided a different tact and we're going to be building a trike path above some additional sand that we're bringing into the playground area.

Mr. Fredericksen: What is that?

Ms. Namauu: A trike path.

Mr. Fredericksen: Like tricycles?

Ms. Namauu: Tricycle path. Sorry. You have to think three-year-olds. Yeah, we're going up for a re-accreditation, and we have to show evidence that we are teaching the children growth motor skills, and tricycling is a big thing on their list of what we provide. So we're going to do it a different way. We're just going to build up the sand, bring some more sand into the playground area, and not do anything permanent.

Ms. Duensing: Maybe on that recommendation then, Robyn, in addition to any proposed work on the building, you could add in something for the archaeological aspect of that as well.

Ms. Loudermilk: (Inaudible)

Mr. Fredericksen: Yeah, and there is an existing monitoring plan for their parcel that

could probably be kind of recycled, as it were. And if for some reason you folks really, really need to do that, just let me know, and I'll take care of it so you don't have to deal with paper currency or anything like that.

Ms. Loudermilk: Okay, so then we'll do a condition no. 10 regarding grading and grubbing.

Mr. Daren Suzuki: Chair, Daren Suzuki, Planning Department. I'm here on behalf of the Director.

My understanding through this application is that it's a time extension for the preschool operating at the Social Hall. The condition nine that you're proposing is for the new building?

Ms. Duensing: No, this would be in regards to the current property just to cover it in case the original permit existing now doesn't, right?

Ms. Loudermilk: Yes.

Mr. Suzuki: Yeah, I just had concerns if it was for the new building...(inaudible)...

Ms. Loudermilk: Yes, clarification, this would be for the existing building in case any type of work may need to come up during the course of the school's tenure.

Ms. Duensing: Because this building is in an existing County Historic District and it would be considered a contributing structure because of its history and architecture.

Ms. Sablas: Just a point of clarification then, five, expansion of the preschool operation would differ in that - you see condition no. 5 that any future expansion of the preschool operation shall be submitted to CRC. So what would condition no. 9 be as far as the physical building? Is that what we're talking about then?

Ms. Loudermilk: Yes, as part of the Historic Preservation Division's comments, they had currently no architectural concerns regarding the existing structure itself. However, they did note that if there should be any proposed work that they request as a submittal to determine if there will be an effect on historic resources be submitted to their office.

Mr. Fredericksen: And any proposed work would include work outside of the structure itself on the property, subsurface.

Ms. Loudermilk: Okay, but my understanding is that any subsurface would be covered under the new proposed condition no. 10 unless we want to combine the proposed conditions no. 9 and 10.

Ms. Duensing: Why don't we combine those, Robyn, because they really go through – they're really hitting at the same thing? SHPD and the Cultural Resources Commission should be advised or consulted on any matters concerning work on the historic structure itself or subsurface work.

Ms. Loudermilk: Okay, so we'll have a proposed new condition no. 9 incorporating any changes to the structure. Any proposed grading and grubbing will be submitted both to the Cultural Resources Commission and SHPD for their review and approval prior to any action.

Ms. Duensing: Right.

Ms. Loudermilk: Okay.

Ms. Duensing: Okay, any other concerns? Otherwise, can we have a motion, please?

Ms. Sablas: I move that we accept the extension as requested by the applicant with the amended recommendation.

Mr. Fredericksen: Do we have Corp. Counsel here?

Ms. Loudermilk: Mr. Moto is on his way.

Mr. Fredericksen: I'd like to vote on this, but I just wanted the Commission to know that I had voluntarily prepared like a monitoring plan for this project before, but I didn't receive anything. But I don't know. If it seems inappropriate, I can recuse myself. I know we all support it. I just wanted to bring that up.

Ms. Duensing: Okay, do you want to just abstain from voting and we can take—?

Mr. Fredericksen: (Inaudible) I'll abstain.

Ms. Duensing: All right. All in favor of Lori's motion, please raise your right hand.

It was moved by Ms. Sablas, seconded by Mr. Pa, then

VOTED: To accept the extension as requested by the applicant with the amended recommendation.

**(Assenting: L. Sablas, M. Pa, L. Whelchel, J. Kapu, S. Kaopuiki.
Abstaining: E. Fredericksen.)**

Ms. Duensing: Motion passed.

- b. MR. ROBERT KRON JR. requesting Historic District Approval for a 980 square foot two-story addition to a single residence at 619 Luakini Street, Historic District No. 2, TMK: 4-6-008: 010, Lahaina, Island of Maui. (S. Bosco)**

Ms. Simone Bosco presented an overview of the proposed project and the Planning Department's report.

Ms. Duensing: I guess the question I would have – I just want to make sure of this – I'm not sure – is the addition going to be visible from the street, then?

Ms. Bosco: Yes, it is.

Ms. Duensing: Because I was surprised that SHPD had not made a comment on that.

Ms. Bosco: They felt that the proposed addition did an excellent job of matching the existing style.

Ms. Duensing: Yeah, I'm looking at their letter. I guess the question I have is – or the concern, not the question I have is that craftsman-style homes are often smaller in nature and the addition is going to be fairly large. Lon, do you have any questions or comments on it as our resident architect?

Mr. Whelchel: Not at this time.

Ms. Bosco: We have the applicant here if you have any questions for the applicant.

Ms. Sablas: Is that the old home that used to belong to the Hews? Is that the one?

Mr. Robert Kron, Jr.: Yes. My name is Robert Kron. I'm the applicant. Yes. I think she lives next door. Mrs. Hews lives next door to me, but yeah, it is her old home.

Ms. Sablas: Are you neighbors? Do the neighbors have second stories? Are you going to be the only one with a second story on that street?

Mr. Kron, Jr.: Yeah, I am the only one except across. I have two houses across that are two-story as well.

Ms. Duensing: That would be my concern because I think that two-story addition is kind of out of scale with the house and with the neighborhood.

Mr. Kron, Jr.: Well, it is small. Nine hundred eighty square foot is the driveway as well. That's what I'm trying to create is more room to park actually because there is no real driveway there. That's with the 980 square foot, but the actual living area is 500 or so.

Mr. Fredericksen: So the 980, does that include like a parking area underneath?

Mr. Kron, Jr.: Yes.

Mr. Fredericksen: Okay, so it's just basically covered parking.

Mr. Kron, Jr.: Yes, and then upstairs is the dwelling.

Mr. Fredericksen: Okay, so it's probably closer to half that size.

Mr. Kron, Jr.: Yes.

Ms. Duensing: Any other concerns or questions?

Mr. Kron, Jr.: I did some work on it. I did paint it and fix it up a little. So I intend to duplicate the house with the double-hung windows and everything, and make it identical, and not making it look like an extension, really. I think with the breezeway, it really helps without having to tie in with the house.

Ms. Bosco: I just wanted to bring your attention to Exhibit 2B. There is the breakdown of the living area, utility room, new carport, and upper lanai just for a little perspective on the addition. The upper living area is noted to be 560 square feet. The lower utility room is 300 square feet. The carport area is 405 square feet. And the upper lanai on the upper floor is 71 square feet, if that helps.

Ms. Duensing: Okay. I guess we'll look at staff recommendations for this project then.

Ms. Bosco then presented the Planning Department's recommendation.

Mr. Fredericksen: I'd like to move that we approve or go along with the Planning Department's recommendations and approve the application.

Mr. Pa: May I ask something here? I'm looking at the letter that's dated March 4th to Mr. Foley and I'm looking at the last paragraph. Specifically, the second sentence. "We do request the opportunity to review all future permitted actions for the subject property which involve ground alterations." I'm thinking should this be included in one of the conditions?

Mr. Fredericksen: I think that's under condition five, Milton, on page three.

Mr. Pa: Okay. I understand.

Mr. Welchel: I'd like to interject one more thing. Exhibit 4-A is the pictures of the exterior, correct?

Ms. Bosco: Exhibit 4-A is the surrounding area.

Mr. Welchel: Of other buildings?

Ms. Bosco: Yes.

Mr. Welchel: The upper right is a two-story living area over a carport which is basically what this one's going to look like. So it is in keeping with the surrounding area.

Ms. Duensing: Except that the house you're talking about is a non-conforming structure in a Historic District because it's pretty new.

Mr. Welchel: And the house that we're talking about has a horizontal band. I'd like to see that horizontal band continued in the new structure on the first floor at least.

Ms. Duensing: You mean the gert?

Mr. Welchel: The gert.

Ms. Duensing: The gert is the horizontal band around a vertical board house that serves as a girdle to hold it together. Or in this instance, it would probably be just a stylistic concept.

Ms. Bosco: So are we proposing a new condition?

Mr. Welchel: Yes.

Ms. Bosco: Okay. And the language would be that the—

Ms. Duensing: That a gert be included on the first floor but not on the upper floor.

Mr. Welchel: At least on the first floor.

Mr. Kron, Jr.: On the first floor, there won't be anything. It's just a garage.

Ms. Duensing: It's a garage, right?

Mr. Kron, Jr.: (Inaudible)

Mr. Fredericksen: Would it be appropriate, Lon, to have it on the floor that's going to be the living area? The upper floor? Because the applicant just indicated that just basically there's a carport on the bottom, whatever you would call it, space where a floor would be if it's filled in.

Mr. Welchel: The first floor would be adequate. The second floor would be acceptable.

Ms. Bosco: That a gert shall be included on the upper floor addition?

Mr. Welchel: Put it on the first floor, at least.

Ms. Bosco: Can I allow the applicant to respond to that?

Ms. Duensing: Sure.

Mr. Kron, Jr.: So you're saying put the band on the first floor around the utility area?

Mr. Welchel: (Inaudible) It would echo that character...(inaudible)...

Mr. Kron, Jr.: Oh yeah, definitely. No problem.

Mr. Welchel: (Inaudible)

Ms. Duensing: And, Simone, that's gert: g-e-r-t.

Ms. Bosco: Okay. We will add that language to the recommendation.

Ms. Duensing: Do we need to remake the motion now?

Mr. Fredericksen: Okay, I'll withdraw my first motion, and make a second motion indicating that we approve the application with the new condition seven that includes the provision for a gert at least on the ground, or on the bottom floor of the addition.

Ms. Sablas: Second.

Ms. Duensing: Okay, we have a second by Commissioner Sablas. All in favor, please raise your right hand.

It was moved by Mr. Fredericksen, seconded by Ms. Sablas, then unanimously

VOTED: To approve the application with the new condition seven that includes the provision for a gert at least on the ground or on the bottom floor of the addition.

Ms. Duensing: Motion passed.

2. ADVISORY REVIEW

- a. **MR. GILBERT S. COLOMA-AGARAN, Director of the DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT requesting pursuant to Ordinance No. 3106 review and approval of the proposed forms for renaming an existing street and renaming of parks and facilities. (R. Loudermilk)**

Ms. Loudermilk: Good morning, Commissioners. Robyn Loudermilk. I'm here to receive any comments that you have. First of all, though, I do just have to say that I was not aware that this ordinance had passed last year. And I don't know if the department was given any opportunity to comment on this ordinance that basically included that the Cultural Resources Commission be part of the renaming.

So what we have before you is the copy of the ordinance. And the Street Naming Committee is under the jurisdiction of the Department of Public Works and Environmental Management. And they have taken the opportunity to provide us with various forms. And we're not even getting into how this Commission will address these applications.

Ms. Duensing: When I first saw the proposal, one of the concerns I guess I had was since we've been dealing with this in the past and it's been somewhat controversial, I hate to jump into getting into yet another responsibility that we don't already have.

And the second concern is that looking at – you know, let's say that every year or every six months one of these requests come in, and it comes in for some place like Maui Meadows or a new subdivision in Lahaina. And that's inappropriate because those streets in those subdivisions are brand new. They're not even a historic concern. So I can see the CRC as dealing with this issue if it is in more historically-designated areas. For instance, in Old Wailuku Town, or like Makena, the Lahaina districts. If they wanted to rename Baldwin Avenue or Makawao Avenue, we should certainly be concerned with that. But when it comes to all the new subdivisions and places that aren't really of cultural concern, maybe there needs to be some delineation or specification of which areas should be cultural concerns.

Ms. Loudermilk: Yeah, so you could see having some input on existing either streets or structures based upon different criteria that this Commission already operates and maybe having to work through with the Street Naming because we are not necessarily concerned with new street names or new facilities?

Ms. Duensing: For instance, a good way to look at this is when you consider a historic structure, what is the definition of a historic structure? It's something that is in a relatively unaltered state more than 50 years old. For instance, Olinda Road is not designated as a historic structure but it's been called Olinda Road for more than 50 years, obviously. So some kind of wording as to how we would define a historic street name with that 50-year parameter might be appropriate.

Mr. Fredericksen: My question is, who's going to apply the filter?

Ms. Loudermilk: So basically we need to develop and determine who implements this filter. And then the interaction between this Commission and the Naming Committee regarding that.

Mr. Fredericksen: Yeah, because as Dawn pointed out, there are a lot of streets that are months old and it's not appropriate.

Ms. Loudermilk: And just for some background information, Nathan Naupoka is back at SHPD, DLNR, and we talked story yesterday about this. And he suggested that in addition to talking with this other Committee what they have regarding renaming not necessarily new names but proposals for renaming. And then maybe talking with the – there's a State Hawai'i Geographic Names Board that they may have some criteria dealing with cultural historic things that we could look at that may or may not be able to guide us. I think right now, in trying to identify these filters, they may be a good starting point at this time.

Ms. Duensing: Yeah, I would think that Geographic Commission at the State level would be good. I'm not really – Because as I understand it, now the Street Naming Commission, there's no implementation for anything, and that's why we got the original Makena Road thing, right?

Ms. Loudermilk: Well, technically, they denied the request twice. It got thrown to Council. Council decided that they were going to – They attacked this two ways. One was to change the ordinance to have this Commission be part of that deliberation. And two, we did have a specific request for information to be sent up.

Mr. Fredericksen: The committee that you mentioned earlier, the Statewide one, it would be appropriate, I think, to get the information or the framework under which they operate. And that would also, by the way, provide a lot of guidance to the Street Naming Committee.

Ms. Loudermilk: Okay, we can send out a letter. The defacto Chair is Craig Tasaka from the Office of State Planning.

Ms. Duensing: Yeah, I think it would be good to get those. And if we could have time to review those, and see what their criteria are, and then add our own criteria as this 50-year thing and, you know, deeming something culturally appropriate.

Ms. Loudermilk: And it also may be appropriate to have – once we get that information, maybe some sort of workshop with the Street Committee representatives and support staff. And just start talking story on how we can go forward with this including that filter.

Ms. Duensing: Okay. And if we're going to have a workshop, maybe designate a few members to do it if we don't all have time to do that.

Ms. Loudermilk: That could also be a separate and distinct special session, or we can find out when they meet, and vice versa.

Ms. Duensing: So I think that we should keep this item on our agenda and try to keep the State Commission's operating criteria, and have it as a future discussion.

Mr. Fredericksen: I have one more question or maybe it's a comment, but does there need to be public input into that?

Ms. Loudermilk: I don't know, but I always think public input is good. And it's just a matter of, one, for this Committee, we're still going to be fact-finding. And then two, take it from there because this will necessitate changes in somebody's administrative rules or process and procedures. And those types of things do need to be out in the public. And maybe we just need to find out what the best forum or forums are at this time to do that.

Ms. Duensing: And one other last question – I'm embarrassed because I forgot to bring my stuff from the last meeting – I hate to admit it – but did that packet include the ordinance?

Ms. Loudermilk: Yes, it did.

Ms. Duensing: All right, Robyn, so if you could get that information for us and then–

Mr. Pa: Are we bound any time constraints? Does this have to be done–?

Ms. Loudermilk: At this time, I'm not aware, but we can find out with Allen Watanabe. He's the staff person who provides support to the Renaming Committee. Sooner is always better, but we also want to do it the right way. So we can get back to you on that.

Ms. Duensing: Yeah, we'll keep it on the agenda because we do have other important

issues dealing with streets, too, that have been going on for too long with a certain Hana Highway. Okay, so can we move on to the next item? Thank you, Robyn.

b. Advisory Comments on the Revised Draft Environmental Impact Statement prepared for MAUI LAND AND PINEAPPLE COMPANY, INC. for the Upcountry Town Center development at 130 Makawao Avenue, TMK: 2-3-007: 008, Pukalani, Island of Maui and well site at TMK: 2-4-012: 026, Makawao, Island of Maui. (C. Suyama)

Ms. Duensing: Just to review – we have a couple of new members – we did make a site visit to this area last year when this was brought before us. Upcountry Town Center is going to be across the street on Makawao Avenue from the soon to be Old Pukalani Superette, I guess.

And the other thing I would like to do is I will be recusing myself from this item because I did work with Jim Niess on the historical architectural report.

Ms. Colleen Suyama: What's been circulated to the Commission are the previous comments that were done on the draft EIS. And the reason why it's coming back to the Commission is the department had originally approved the final environmental impact statement. That was overturned in the district court. And it's currently the Land Use Commission who has been determined to be the approving agency for the EIS. So we're going back to step one again which is reviewing the draft and later the final EIS will come up.

The only difference in the report that was originally reviewed by the Cultural Resources Commission is that there are some new reports that have been included in the revised draft EIS. And part of it is because of the recommendation of the Cultural Resources Commission. We now have an appendix that was included which is the structural engineering review. The Commission, when they did their site inspection Upcountry previously had asked that a structure inventory be done on the building to see about the structure, the integrity of the buildings, and whether it can be used for adaptive reuse. And that report has been included.

Ms. Suyama then gave an overview of the structural engineering review report.

Ms. Duensing: Thank you, Colleen. Any questions for staff or Mr. Endo? And I do believe we have public testimony on this also. Mrs. Long, probably?

Mr. Fredericksen: Can I ask a real quick question before Barbara comes up? Has this assessment been reviewed by the State Historic Preservation Division?

Ms. Suyama: The same report has been distributed to the State Historic Preservation Division.

Mr. Fredericksen: Okay, but it hasn't been reviewed yet?

Ms. Suyama: No, I haven't gotten a response.

Mr. Fredericksen: There has not been a response or a review letter prepared yet?

Ms. Suyama: Not to my knowledge. In this case, because it goes to the Land Use Commission, all the responses are going to the Land Use Commission rather than to the Planning Department.

Ms. Duensing: But shouldn't we still be cc'd on it?

Ms. Suyama: Usually we are.

Ms. Duensing: Okay.

Ms. Barbara Long: Good morning. And I'd like to say hello to the two new CRC members and give them some material that everyone else on the Commission has seen. It's a plot plan for the former Corn Mill Camp and some photographs that show the buildings before they were repainted about five years ago, and re-roofed, and some photographs from the 1940s of the Tengan Family actually living in Corn Mill Camp.

Ms. Duensing: Don't forget to state your name, please.

Ms. Long: My name is Barbara Long and I'm here representing myself. And I want to thank the Commission again for your continuing concern about Maui's architectural history as well as its cultural history.

The response to the CRC's letter from a year ago, May, from Group 70 I don't know whether you were given a readable copy of that. If you noticed in this new revised draft, the comment letters and responses are reduced in size so that you really need to have young eyes to read them.

So one of my concerns with that letter was no.4. And I don't even know how to refer you to it in that big EIS book. But no. 4 response from Group 70 was that there will be archaeological monitoring of excavation in the Corn Mill Camp area. And the question I have for you is, is that going to be sufficient? Should they wait until their grading and in there with bulldozers to monitor what's going on? Or should they do some pre-digging to see what artifacts they might be able to find from Corn Mill Camp? And then most of you made the site visit up there so you know that it was extensive and covers a lot of

territory.

You also requested them to do a tree inventory. That was sort of done in their original appendix by – I forget whom, but someone who mentions the mango trees and the other trees that might be remaining there from Corn Mill Camp. But I think what you folks were hoping for was some sort of specific site plan showing vegetation that might've indicated a cultural landscape or at least some sort of historic agricultural landscape and that didn't happen.

I'd like to commend both Dawn and Jim Niess for their work. I think that Dawn's analysis of the historic background of Corn Mill Camp was marvelous. I tried to do some myself. And she really got everything that's out there. And I am sorry that Jim Niess wasn't invited to be here today. He might've been able to answer some questions for you.

The history of Corn Mill Camp, which I hope you read, shows that it was in existence from the 1920s to the 1960s. And was very important in the development of our agricultural economy of Upcountry. My main concerns are with the remaining structures which according to the analysis, the older ones were built approximately in 1924. I spoke with Jim Niess yesterday and he said to me that the newer one, which is the steel-framed building is of his least historic concern. He didn't care if that one was demolished. It appears, though, that's the one that Maui Pine would like to save.

The comment period on this EIS ends on September 22nd. And I'd like to hear from either Corp. Counsel, or from Daren, or Colleen, on exactly what your advisory capacity today is. Are you going to be writing another comment letter to Group 70 and the Land Use Commission? Are you going to be simply advising the Planning Department when this issue comes up before the Maui Planning Commission, if and when it does? And I'm just curious to know and I'd like to hear about that.

Ms. Suyama: The purpose of the draft EIS that was brought back to the Cultural Resources Commission is to find out whether there are additional comments that the Commission wishes to make as part of the draft EIS. And those comments then would be transmitted back to both Group 70 and the Land Use Commission.

Ms. Long: Thank you. That helps me. In the Vorfeld structural engineer's report, that's Appendix M that Colleen has kind of reported to you, they commented they believe regarding those older buildings, the 1924 structures, that it will cost more to bring them up to code than it would to demolish them and replicate them with new materials. And I think it would be appropriate in your comments to explain that that's not the essence of historic preservation, and that there might be some recommendations you would make to Maui Pine with regard to working with the County on the building code upgrade. The fact that those structures have been there as long as they have and have survived

heavy winds and hurricanes, and that there are tax credits available for rehabbing, especially if they're on historic registers.

And number two, the description of the method of removing the water tank by bracing it from the inside, the photographs that your two new members have show that tank. It's a beautiful water tank. It's one of the nicest industrial ones around. I would hate to jeopardize its future. And you guys really need to give some thought to is this really a good way to deal with it. And if it doesn't work, what happens? Should they take the chance?

It would be helpful if you were to comment on extending the archaeological survey into the former Corn Mill Camp area. And to comment on the way those historic buildings could be adaptively reused. I like Jim Niess's suggestion of using them for agricultural industrial use the way they were originally. That certainly makes sense.

So basically I'm asking that you really should consider a strong comment letter which will go again to the Land Use Commission, and Maui Pine, and Group 70 to dig more, dig deeper, find any Corn Mill Camp artifacts that may be there. Keep the structures hopefully, for adaptive reuse for some ag industrial use, and preserve the mature trees and the landscape of a major Upcountry historic agricultural site. Thank you very much.

Ms. Duensing: Thank you, Barbara. Do Commissioners have any questions for Barbara?

Mr. Fredericksen: Barbara, I didn't get a chance to chase down the tree issue which you did bring up earlier. Do you have any more comments about it? The tree inventory?

Ms. Long: There is an earlier survey of the botanical resources, but I don't think it's specific to map of Corn Mill Camp and what flora might have been left over from that that would indicate something important. And I don't know what's important or not. But as Dawn found out, the history of the place is extensive. There were vegetable gardens. There were all kinds of things going on. And to lose that like we've lost Skill Village, and Pukuli'i, and everything else, to me it would be an enormous loss to Maui's history. And, Dawn, thanks again for the Corn Mill research. That's fascinating.

Ms. Duensing: Thank you for your kind words, Barbara. I appreciate it.

Ms. Suyama: If you're looking for the botanical survey, its Appendix C of the draft EIS.

Mr. Fredericksen: I've got a couple comments. I'm just looking at this letter. It was sent to us a long time ago. And when it came in, I don't think this was on the agenda. It just sort of came in, and was sort of set aside, but this kind of reminds me of it.

On no. 4, I think that was pretty much what we were talking about: archaeological monitoring not necessarily for the whole parcel, but certainly in the area around the camp.

To go back to the inventory survey, I still am not sure why there wasn't some limited subsurface testing carried out in the camp area. I know there's a fair amount of black top, but there was no testing carried out there. And I'm not sure if monitoring by itself is the way to go. Was there ever an SHPD review letter on this on the inventory survey itself?

Ms. Suyama: There was a State Historic Preservation Division letter. The letter that we're discussing, the July 19, 2002-letter, that was put on your agenda. Before the final EIS was accepted, the letter of response from the applicant was placed on your agenda. You did respond that they had addressed your concerns, basically.

Mr. Fredericksen: I don't recall. I have one more comment. Again, this is the same letter. The purpose of having – this is under item no. 5 – the purpose of having kind of like a list, if you will, of informants is so that it's simple for folks to go into a document, and go, oh, who was spoken to about this paper or this report instead of having to kind of wade through it, if you will, to try to find all the individual names. But I don't think that comment was ever addressed other than that's just how it is. There's some names in there and take it as that. And I'm not trying to open up another can of worms on that. I'm just – as a Commissioner, that's just a comment I have. And it's something that happens with regularity in reports because it's really hard sometimes to find information, and that's where that comment came from. And it's unfortunate that they chose to just keep it as is. But I can even understand that because that saves time and other things.

Going back to the inventory survey testing, I still think it would be a good idea to do it. I'm not sure if there's anything we can do about it.

Ms. Suyama: Can I clarify something? There is an archaeological inventory survey that was attached as Appendix D. And when they did that, the Corn Mill Camp was included in the archaeological survey. It's only the buildings themselves, I guess, because you couldn't do–

Mr. Fredericksen: That's in this Appendix M?

Ms. Suyama: No, it's in Appendix D.

Mr. Fredericksen: Okay, I don't have that in front of me. So they did additional testing?

Ms. Suyama: That was from the original draft EIS. They had done it originally.

Mr. Fredericksen: Okay, but there was, as I recall, no testing that was carried out from the original inventory survey. If there was something that was done after that, I may have missed it.

Ms. Suyama: No, it was done before.

Mr. Fredericksen: Okay, so you're telling me that there was actually--?

Ms. Suyama: Do you have a copy of the draft EIS?

Mr. Fredericksen: I don't have it in front of me. No, I don't. Well, other Commissioners can talk about stuff for a minute, as I sift through this.

Ms. Duensing: My recollection is we did discuss this letter in our meeting. And we were pleased that Maui Pine had taken our comments into consideration by having the structural and architectural history reports done.

Mr. Fredericksen: Yeah, I remember seeing this. The testing was carried out in the fields which is fine, but there still was not any testing done specifically within the camp. But when we were there, there was a lot there. There was a lot of pavement and I'm not sure how logistically feasible it would be to do the testing in there. I'm more interested in seeing as many of the buildings as possible stay there.

Ms. Duensing: I think as Barbara pointed out, it would've been good to have Mr. Niess here with his comments on the structural capacity of these buildings. I, too, talked to him yesterday. And his point was that, well, you know, they've been there for 70 years already and survived many hurricanes. And as Barbara pointed out, replication is not historic preservation.

Ms. Long: At a minimum, would it be possible to do an overlay of the Corn Mill Camp original site map on a map of the existing 40 acres or whatever just to know where the structures were so that when they were in there grading, they'd know?

Ms. Duensing: Yeah, I can see where that would be helpful because even for me having done this study, it was really hard to imagine today and yesterday with looking at the maps. The map that Barbara is talking about is also located several places in this report. A portion of it is on page nine of the archaeological report. And then Jim Niess has also reproduced it in his report which is Appendix N on page ten.

Mr. Fredericksen: Also, that sort of information would be really appropriate for use in the so-called paniolo museum, some sort of facility on the parcel because for several different reasons. One, of course, being the Corn Mill Camp itself, that historical perspective, and it had a large impact on Upcountry.

Ms. Long: There are still people alive who can go up there and tell you where buildings were, including the Jios and Alan Tengan.

Ms. Duensing: Okay, so if there are no other questions for either Mr. Endo or staff, the Commission needs to decide if we would like to make additional comments as this report moves through the EIS process.

Ms. Sablas: Thank you, Barbara, for your hard work toward preserving historic places of Maui because we have seen too many of our sites disappear. Our plantation camps are not even a memory in many cases. As I'm looking up there, Waine'e Camp used to be visible there. And that's one of the last camps that was destroyed here in Lahaina. So it's very, very important that we have people like Barbara who is part of our community, who is really out there to preserve a lot of the historic places. I agree with her in many cases, but I also need to commend Maui Land and Pine for a lot of the work they did, and really trying to work with the community because you are long time members of this community as well.

And also, being in that position, you have the responsibility of being stewards, and that's a great responsibility. And that is to take care of the past, to preserve it for future generations. And I've spoke about this issue before in the Maka'oi'oi, that area up there. I kind of look at this as another one of your steward areas that have – I know it shows it on paper, and I don't want to belittle the efforts that you have put in as a company because it is to be commended, but I think the issue here is again once these things are lost, it's gone.

I would like to specifically address the issue of the water tank because we've been up there, and I agree with Mrs. Long that this is something that I don't think it's worth taking that chance to move it because what if it breaks down? That's gone. And I don't know if there's another example like that as a fine example there. So perhaps maybe go back to the drawing board and see how you can work around that area to maintain that sense of place. It's an important sense of place that they have in Corn Mill. And if you alter it too much, it would lose that. So I would like to be on record to recommend that you again strongly look at not relocating the water tank.

Along with that also is vegetation. Again, being a person who was born and raised here, one of the sadness I have is to see all of those wonderful matured trees just needlessly bulldozed over. And how needless because we're not growing those avocado trees anymore, the mango trees that used to be all along here. To me, just looking up there is kind of an inspiration. If we don't do anything now, it's going to really, really change our landscape. So I think it's very important again that we revisit that. And even if it's introduced, it's still important to preserve the matured plant life and trees.

I may come up with something else, but basically I'm – I look at the water tank as almost like a center piece of Corn Mill. And it has to remain where it is because it's too much of a risk to move it. And I would like to make that a real strong recommendation.

As far as the other structures, I do again think – I know there was a lot of thought and you brought in experts to look at it, so I kind of would like to leave that with the experts although my sentimental feeling is to try to maintain that type of structures there. And I agree that if it's been there a long time, then maybe it can be rehabilitated, but that's not my area of expertise. So I'd rather leave that comment to others. Thank you.

Ms. Duensing: I appreciate Lori's comment on the water tank. And I know that in our first meeting, Commissioner Falconer, who was Chairman of the CRC at that time was also very concerned about draining that thing, and moving it, and whether it would survive.

And one comment I'd like to add to what Lori is saying is, and I believe this was in Jim Niess's report, is that preservation in-situ is historic preservation. Moving objects that are historic makes them lose some of their historic integrity, but it is a significant compromise on the historic integrity. So Lori is bringing up a really good point.

Mr. Fredericksen: The thing with these structures that are left is that – and Lori brought this up much more eloquently than I can, but the thing with structures like this is there are not many of them left, and in particular, commercial, if you will, remnants of plantation era camps. I can't think of any – I mean, there's hardly anything left especially on a scale like this. Yeah, there's part of Pioneer Mill left for a little while. But in terms of a smaller, if you will, it's not real small, but kind of a medium-sized camp, this is about the last of those sorts of camp remnants that are left. And that's basically what Pukalani for a long time has been about. Until the '60s, it was basically pineapple, mostly pineapple there. And so if it all possible, I would really encourage Maui Pine to do everything they can to rehabilitate, if at all possible, those buildings. There may be one or two that are in too sorry a shape, but some of the other ones I think could be rehabilitated. I'm certainly not an architect. And maybe Lon can toss in a cent or two. And of course, Lon hasn't had the benefit of going on the site visit there whenever that was a year or two ago.

Mr. Whelchel: I support retaining the buildings, renovate, because there's character that you just can't duplicate. The roofs have been restored, replaced. And I don't know what else might've been replaced. So they're working in that direction anyway.

The water tank is a living sculpture. If it's visible where it is – I'm not familiar with these areas – if it's visible to the masses, it should stay there. If it's not, it's moved, it could go to a place that would have more exposure because it is a beauty and there's just not many of them left.

And the storage space Upcountry is limited. I don't know why they couldn't, once they restored the building, I don't know why they couldn't lease, rent, until it's full. People have come to me and asked if I knew of a storage space. I don't know of any Upcountry. This would be a new market. So I would like to see it remain.

Mr. Fredericksen: That's an interesting comment. It's something that never even crossed my mind: storage. I've been kind of in some ways sounding somewhat critical of what's occurred. But I would like to also recognize that Maui Pine has certainly been going through the procedures and trying to get input from the community. And that's as it should be, but it's not like they're trying to slide something through or anything. It's just to me— I've spent a fair amount of my youth in Lahaina, but after that, I've lived Upcountry most of my life. It's getting closer and closer to all. So it's a place that I've got a lot of connections with. And I'd really hate to see all of that go. And I certainly don't want to see the water tank moved just because of its context. I mean, that's where the water tank needed to be to get the water where it needed to go.

Ms. Duensing: Yeah, and it's a good point you make, Erik. So I think based on our discussion, we would want to insert another comment letter into this process. So if we could summarize our points for Colleen and move on with our agenda, that would be appropriate.

And I think, Colleen, the first one would be we do emphasize restoration of the historic structures on site with the point being made that replication is not historic preservation. Preservation would mean keeping the structures, meaning the water tank as well as the buildings, in-situ. As far as the structural report goes, as Lori pointed out, these buildings have been there for 70-plus years in many cases. They've survived Hurricane Iwa and others. And hopefully if they are retrofitted appropriately to the Secretary of the Interior standards, they will be able to survive another many decades.

We have particular concern, I guess, then with the water tank as well, and the location remaining as is. And also, we want to make the point that we are very appreciative of Maui Pine for going to the extra expense and trouble to get these additional reports as requested by the CRC done. And it's not often that the CRC makes these kinds of recommendations that the company goes out and does it. So we want to stress that as well.

Point three I have in my notes here would be preservation of the mature trees in the area, if possible, as these are quickly disappearing in our modern community as well.

Ms. Sablas: Madame Chair, what about the overlay?

Ms. Duensing: Yeah, actually, I think the overlay of the old map with the current field and building situation is a good idea too. That would really help the EIS and help

people understand the situation and layout much better. Good point.

And I guess in adding to our first comment, we would emphasize the word “reuse” as well as rehabilitate. And there have been suggestions made in the report.

Mr. Fredericksen: I think we should encourage Maui Pine to have some space. And it's good for business, too, because it's going to provide some points of interest for folks coming to this commercial facility that's going to be on this parcel, as well as the folks that are going to be living there at some point. Not a large center, necessarily, but something that has the history of what the place was used for and what was it about. Because a lot of people Upcountry don't even know what Corn Mill Camp was.

Ms. Duensing: And that point would just be to reemphasize because that was with our original comments. In the July 19th letter from Maui Pine, they have stated that there will be appropriate historical interpretive elements created at the Upcountry Town Center, and possibly a space created for a historical center. So if at minimum, some photographs, and old maps, and some kind of interpretive panels could be placed at the Upcountry Town Center, we want to reemphasize that, I guess.

And then I guess maybe the final point that was of concern to some of our members was about the archaeological monitoring. I don't think we can really require any more of an inventory but we could reemphasize the appropriate care and the archaeological monitoring so that artifacts from Corn Mill as they turn up, and they probably will turn up, could be preserved. And again that could be part of the interpretive element of this project as well. Anything else? And, Colleen, could I see the draft of that letter when it's ready, please?

Ms. Suyama: Sure.

Ms. Duensing: So if we could have a motion for this new comment letter?

Mr. Fredericksen: I make a motion that we send a comment letter with the items the Chair just discussed. Were there six, Colleen? I lost track. Five?

Ms. Suyama: Some of them could be consolidated, but about five main points.

Mr. Fredericksen: Okay. To be included in the EIS comments.

Ms. Sablas: Second.

Ms. Duensing: Okay, the motion has been seconded. All in favor please raise your right hands.

It was moved by Mr. Fredericksen, seconded by Ms. Sablas, then unanimously

VOTED: To send a comment letter with the items as discussed by the Chair to be included in the EIS comments.

Ms. Duensing: And thank you again, Barbara Long, for coming all the way out here. And thank you, Mr. Endo, also for coming, and for allowing the CRC to comment.

(A recess was then taken at 10:40 a.m. and reconvened at 10:55 a.m.)

3. DEMOLITION PERMITS - None

D. ACCEPTANCE OF THE REVISIONS ON THE UPDATE OF THE LAHAINA ARCHITECTURAL STYLE BOOK

Mr. Nore Winter: Good morning. I will take as much time as you think is appropriate. I don't want to clog up your agenda, Madame Chair, so you might want to give me a little bit of guidance here about how much time we should take. On the other hand, there's a lot of material to cover. I know you all have just gotten it. As a reminder, and for those of you that I didn't get to meet before, we are working on a very tight schedule for this project because of an expiring grant deadline at the end of the month. So we have been working very fast. The draft, when you have a chance to look at it, does have errors in it. It has typos. It has some factual errors. We're already working to try to clean some of those up. We'll be having a work session with staff in the morning. I've tagged several on a technical level to check with them on. But also, we'll want to rely on your help. Unfortunately, you only have a week. We're going to stay on schedule. So any additional comments you can give staff to Kathleen by next Thursday, she's going to pass those on, on Friday so we can begin making our revisions in order to have this back at the end of the month. With that said, we could squeak in some technical cleanup a little bit after that, but that's the copy we would send to SHPO, and say we're finished with the project. So it needs to be as close to final as conceivably possible, but recognizing if we still have a few typos, or have missed a credit, or something like that, we'll go back and fix those things. But in terms of any policy things, particularly, we're going to need your feedback quickly.

What I wanted to try to do is walk through some of the things I wanted to point out to you, let you know where we are, and particularly the places where we kind of went out on a limb based on earlier comments, and point those out to you to particularly look at to see if you're comfortable with what we've done. So about how much time do you want to take on this?

Ms. Duensing: We are leaving this afternoon at what time? 3:15. And it's almost 11

o'clock now. And I think this is the major item remaining on our agenda. I do have some comments on the Hana Belt Road that we'll need ten or 15 minutes for. And the Director's report should be--?

Mr. Suzuki: We should breeze through it.

Ms. Duensing: Okay. So I think we have the appropriate amount of time to go over this as needed.

Mr. Winter: Because as I start to walk through it, I would say some of the things I'll point out are what I would just sort of say are technical things. A lot of sort of basic preservation principles based on the Secretary's standards that we've tried to work into the document. I want to walk through some of those.

Some of the tougher questions are going to be ones about balancing historic preservation and historic character with the economy of the district. And in some cases where it's challenged by its own success, and sometimes the amount of activity of retailing going on is kind of getting in your way of perceiving the historic character. And just how do we feel about the balance there is going to be one of the key questions I need some feedback on because again, we took some strong stands in two or three places that may be too strong. It may not be appropriate based on what we heard last time.

And also I guess before I start walking through it I should point out we still have yet to really work in a lot of the sketches out of the Style Book. As you flip through it, you're not going to see those yet. I wanted to visit with you about some of that. Some of those sketches are going to be very useful. A couple of others look like based on historic photographs have been made with maybe a little bit of artistic license used, and whether or not those are accurate sketches I think is a question that we want to get a little bit more information about in some cases before we use it outright. We don't want to perpetuate something. And of course, part of that particularly I'm thinking of is the number of divisions in some of the storefront glass that people have sort of focused on kind of small pane whaling era architecture when of course the architecture we're dealing with isn't really whaling era. It's plantation era. So that'll come up as we walk through it. But as you're looking at it at this stage of the game, you won't see those sketches yet. They will be coming. They'll be integrated into it.

I guess we should first just look at the table of contents and kind of walk through the way we've organized the book. It's divided into three major sections. This is on page Roman numeral II. And the next one looks like it's page Roman numeral II also. I don't know how that happens on a computer, but I suppose. . . .

The reason for doing this is so that people will have a clearer idea of what the key

features are of each of those building types that needs to be preserved so that they won't mix and match stylistic elements from the wrong styles. Now, the way we've described these may not quite be the way you thought of them normally. And so we need to hear that if there's different terminologies or a different way of saying them. But we think this is kind of new ground. There's not a whole lot of good material that goes to this level of detail in describing these different building types and styles.

And then chapter four deals with some very basic preservation principles. This is essentially taking some of the key guidelines from the Secretary of the Interior's standards. That sort of sets up the basis for the design guidelines themselves.

Section two addresses the treatment of historic properties. And there's a short section right now on the sort of cultural and archaeological sites mostly referencing other regulations rather than providing a whole lot of that in this document.

And then the chapter six, seven, and eight are the ones that focus mostly on the preservation of individual building pieces, and elements, and materials, and components. And I'll walk through those a little bit.

Then there's a short chapter nine about adaptive reuse. This is focusing on the residential edge of the district and the houses there that can be converted to a commercial use, some of which already have, and then another one about additions. We talked a little bit about building additions. So it's interesting to hear a project this morning earlier about an addition because it gave me a couple of ideas I want to add in here.

Then section three is kind of a catchall for some of the other special design issues, as well as new construction. So this is probably the area— Well, first of all, some of these chapters are a little bit fuzzier because we got to a point where we needed a little bit of more feedback before we could go much farther on them. I'm trying to find the balance between what we say in the guidelines' document versus what exists in some other regulations, such as for lighting, landscaping, and signs. So this is a section that I'm going to be flagging several questions for you when I get to it.

Then on Roman numeral IV is a matrix that still needs a little bit of editing. But the idea here is to help an applicant or a property owner understand which sections of this document apply to them. If you look at this, this is almost a hundred pages of material. It's a lot of information. Some people could say, my God, this is overwhelming. The fact of the matter is, though, that for any one project you're only going to use a small percentage of this book. And in fact, the way it could be organized is that staff could just copy the pages that might be relevant to a property owner. If they're just dealing with window replacements, they can copy those pages and be done with it. But our thinking was and what we've seen in the past is that staff can take this matrix at a

preliminary meeting with an applicant, run a xerox of it, and with a yellow highlighter highlight which chapters that project is going to be reviewed under to sort of at the outset make it really clear which criteria are going to apply. So that's the thinking about that chart.

Okay so then moving in to chapter one. If you look at pages one and two, there are some references here to some of the existing policies. We wanted to very clearly anchor the guidelines in the policies that have been in place about preservation of cultural resources on Maui, and specifically for Lahaina. So we've quoted several of those documents here to make it clear. And, of course, everybody understands the Style Book has been in operation for 20 years, but nonetheless to make it clear that this comes from a long line of policies. It's nothing new.

Then on pages two, three, and four is the introduction of what we discussed last time of the concept of character areas. And I believe we may still have some boundary difficulties and it's not reproducing well in black and white. We should try to get some colored printouts of those boundaries for you to look at. Or I guess the other way you could do it is you could look – if you go to our website, you could see the colored version of that map. Because the different subareas aren't reading well and we'll need to change the way we're doing those so they're understandable. But the approach here has been to sort of merge the two current Historic Districts into one Historic District. And then re-carve these subareas based on the design character and the history of those areas.

The main ones are this Area A, the Front Street, which is the bulk of the commercial buildings in the district that run along Front Street. Then Area B is the monarchy character area. And when you read the description of the monarchy character area, a couple of sentences dropped out. It makes it sound like the school is the focus of it which isn't the case, obviously. So we need to go back and find out what happened to our language. But when the computer renumbered the pages, it must've dropped some language also.

Ms. Duensing: Could we ask questions as we go along?

Mr. Winter: Sure. Absolutely. Let's just make it loose and open.

Ms. Duensing: Why are we calling it character areas? I mean, I'm assuming that that comes from the way we do things, but it's silly-sounding to me.

Mr. Winter: There's nothing magical about that. We can call it whatever we want to.

Ms. Duensing: Okay, so we can work on that.

Mr. Winter: Yeah. Subareas sounds—

Ms. Duensing: Yeah, I know it's difficult, but there's something about character areas that sounds like Disneyland. They have character areas too.

Mr. Winter: Well, that's a good point, yeah.

Mr. Fredericksen: On page four, Item B, monarchy resource area, maybe you could use "resource" instead of "character." I don't know how the other Commissioners feel about that. I kind of, to some extent anyway, prefer that term to character.

Mr. Winter: That works. I like that.

Ms. Duensing: Or possibly, an emphasis on cultural areas because that's what we're really talking about are subgroups of cultural resources: the monarchy era—

Mr. Fredericksen: The complexity starts coming in to play when you – because Lahaina before these different historic periods was – and before the monarchy was still utilized intensely by Hawaiians, and most of that architectural – you know, their architectural remains are underground. So I'm not sure if "cultural," that term, would be appropriate because all of Lahaina is underlaid for the most part by pre-contact Hawaiian cultural resource remains.

Ms. Duensing: And I agree with Erik because this has been one of the really controversial decision-making problems that we've had in the last couple years because it's not just the monarchy area. As you point out, there's a Hawaiian area, then there's the monarchy area. There's a missionary thing stuck in as part of that component too.

Mr. Winter: Right. Well, I think there are two things that we want to figure how we distinguish them. One is to just to recognize the different areas of cultural resources that exist. And they don't necessarily fall into tidy boundaries because people didn't live that way. And so recognizing particularly early Hawaiian archaeological resources exist everywhere is one kind of an idea. Part of this – the purpose of defining these areas is primarily from a design standpoint of saying what's appropriate here in design character which is why we use character, but I understand how it could be misinterpreted.

Ms. Duensing: I see what you're saying. And if you look at chapter one, page two, under the Front Street Historic District boundaries, and you specifically say this primarily includes post contact era resources. And here's maybe where you need to clarify that by saying this manual is design guidelines, but there are also – something needs to be said about the important underlying Hawaiian archaeological and cultural issues that must be taken into consideration like the Moku'ula fiasco. Somehow it needs to be worded to get that sensitivity or that point across. Is that what we want to say, Erik?

Mr. Fredericksen: I'd like to hear from other Commission members too. All the time I've been on this Commission, there have been Lahaina Town issues. And one of the things that constantly that I've noticed coming from an archaeological point of view on this is that the pre-contact component has not – it's not recognized in the first planning document that was drawn up, the guidelines in the '60s where we got district one and two. The pre-contact component was basically not paid attention to. And it's not a cut at the folks who did all that work then. It was just a different perspective. And there really, quite honestly, wasn't that much known at that point. There hadn't been much work done in Lahaina. But I think there does need to be something mentioned about the pre-contact component in Lahaina itself. And I understand that these are architectural guidelines and I know what you're trying to do. It's just if there's a way to deal with it so the pre-contact component is not just sort of shunted off to the side, and I don't mean that negatively like you folks are trying to do that or anything, but just so someone who picks this up is aware of it because some people don't even know that there was a lot of Hawaiian activity here before.

Mr. Winter: Maybe we should jump for a second to chapter three. We touch on that, but in looking at it, don't think we've done it well enough. Turn to page 16, chapter three. This is where we actually try to start talking about the building periods in Lahaina. And we do have a paragraph about pre-contact and acknowledging that some archaeological resources may survive, but it sounds like we need to really beef that up to say they definitely survived, and are definitely around.

Mr. Fredericksen: And the reason for that is it's just an educational process. The more people know about Lahaina, and this is particularly to the developers, the more they know about it, the folks that are coming in – whatever term you want to call them: the shakers and movers, whatever, I don't like the term, but the folks that have the money that comes in, and are altering things, they need to be made aware in as many opportunities as possible. So it's just kind of an up-front thing for them. It doesn't need to be lengthy, but I think maybe at the beginning just have a little bit more. And it's good that it's in here as well. We're still talking about character, right? The different character periods?

Mr. Winter: Well, understanding that we need to work on the terminology, and after hearing Dawn's comment, I think it's true that particularly in this setting, calling it a character area is wrong. It could be misconstrued that we're trying to create themes. I like the idea: resource area.

Mr. Fredericksen: Or just architectural areas even, or something.

Mr. Winter: Well, let's think about it. And maybe as we work through this something else will come to mind, but point noted, and we'll fix it.

The other major resource, design area, whatever, is C, which is the one that has a residential tradition to it where we want to try to maintain those forms, and the character of that residential edge even though it may be commercial in use.

Mr. Fredericksen: And as you brought up there was an agenda item here earlier about this: a residential architectural resource.

Mr. Winter: Right. Then up at the end, we have D and E and they're kind of, to some extent, question marks in what we're thinking of about those. D is the residential area where, of course, several cottages were moved on in more recent years. And it may remain that way, or it may want to change. So that's one that I think we need a little bit more guidance about what our policies are, what our expectations are for its future character. And then we just called it for lack of a better name, the South Front Street Area. And of course that right now has major development on it and is probably not likely to change. And the point here is just simply to say that that doesn't really provide a context to relate to for future building. People shouldn't point to the Lahaina Shores Resort and say we're going to copy that. That was your point earlier about if you point out the non-contributing buildings. We just want to make it clear that that wasn't a reference point for people to design to, not that we were criticizing it, but just saying that's not the historic character of the area.

Mr. Fredericksen: I've got a comment. There are some really nice plantation homes further along Front Street.

Mr. Winter: Yeah, this arrow is wrong. I mean, should there be a north arrow even?

Mr. Fredericksen: No, there should be a north area, but it's just hulled. But there are some structures that are further south beyond E and on the other side of Lahaina Shores. Did you folks look at those? Some of them are new, but some of them are really nice old plantation homes.

Mr. Winter: Are they in the district?

Ms. Duensing: I don't think they are, but it should be a consideration because we're really losing all of our old beachfront-style communities to these ugly McMansions and monster houses.

Mr. Pa: You know, you mentioned those buildings. I was wondering if there are plans or intentions in mind to include that eventually as a historical district?

Ms. Duensing: That's what we're pointing out because I know in one case before I was on the Commission there was something done. Somebody cut off part of a house down there. And then about two years ago, there was another beautiful home down there that

somebody came in for a demolition permit on that house. I drove down there this morning. It's still standing. I was really happy to see that. But this is an issue is to tear down perfectly good little bungalow-type houses in favor of these monster things that take up the whole lot, and it's not an appropriate design.

Mr. Winter: I absolutely agree with you. And I would love to see this district larger.

Ms. Duensing: We have to get a County ordinance to pass this anyway, right?

Mr. Brian Moto: Yes, this would be adopted by an ordinance.

Mr. Winter: I'd love to explore how we look at the edges of the district. It relates to some other things. We were raising questions earlier about some...(inaudible)...buildings. Well, it turns out those buildings are just outside the district, but people don't know that. Or the lost of some houses to create parking lots that are just outside the district. So I'd love to get into that issue. And actually, I guess as I think about it, Brian Miskae had mentioned that there will be an ordinance revision coming up. So there is the opportunity to maybe look at some of that.

Ms. Duensing: Yeah, because doesn't this ordinance pertain to preservation of views and stuff like that along the beachfront corridors?

Mr. Suzuki: My understanding is with this Style Book, it pertains to the Historic Districts. In terms of the views, and the view corridors, and all, we do have the shoreline setback rules and the special management area rules that we can control that sorts of concerns, but these guidelines would apply just to the Historic Districts.

Mr. Pa: Is it possible to make a notation that just outside of the district there are these other areas that are historically significant although they're not within the district? Is there a way of pointing it out in this?

Mr. Winter: I'm comfortable saying that as advisory information or encouragement to other property owners that may not be under the jurisdiction. But then again it could be that with the ordinance revision, even that could change. But I think we could add some language that says there's these other resource types that should be respected, and people are encouraged to. And then depending how the boundary ends up, it's either advisory or regulatory. Does that sound okay?

Mr. Moto: Madame Chair, I don't think there's any problem with your guidelines including a reference to design matters outside of the Historic District so long as it is clear that the Historic District as of the date of printing or adoption of this plan does not encompass those areas. I personally am not aware of any proposal to expand the Historic District beyond its current boundaries. If there were, it would probably be taken

up as a separate subject apart from the adoption of these guidelines, and probably would take a lot longer to get through, to be frank.

Ms. Duensing: Yeah, it might be near impossible, but I think it is important to point out that just as there are flaws in the old '60s' Style Book, there's flaws in the historic boundaries. I think that's what it really boils down to.

Mr. Winter: Exactly. We've learned so much since the time of those districts being defined in terms of what we consider to be historic. And certainly some of the questions you all were touching on with some of the previous agenda items just understanding the context and the setting, and if you just isolate the commercial role of buildings, and you don't understand the community that it served, you don't quite get the whole story. And so I think that's a good point.

Ms. Duensing: And one other suggestion. I don't know if this is worthwhile or not, but you have your resource or character areas. Individual landmarks should be probably pointed out on top as they are the stand-outs. They should be addressed first maybe, and then going on to the different character areas to make it clear that these are not included in the following little districts we're making.

Mr. Winter: Okay. Good point. Okay. Then on page five although—

Ms. Sablas: Nore, before you go on, on page four, it's something small. But under the Monarchy Resource Area, Item B, where you have "This area is currently the home of the Kamehameha Public School," it should be "King Kamehameha III."

Ms. Duensing: Yeah, I think the historic name was "Public School" probably.

Mr. Winter: Well, this whole paragraph somehow just totally got botched.

Ms. Duensing: I would make that first sentence the last sentence because it's kind of the least important.

Mr. Winter: Exactly. Somehow the whole discussion for Moku`ula, etc., all fell out and ended up with the school.

Ms. Sablas: But just so we know what Kamehameha we're talking about.

Mr. Winter: Gotcha. Okay then page five explains a typical guideline. And you'll see that format showing up throughout. We also have introduced a couple of sort of terms here that hopefully in the future sometime when there is an updated survey of the properties that this kind of terminology could be used, but it will help you I hope, and that is under the subhead of Basic Approach, we've identified three kinds of properties

in the district. Those are these landmarks, these outstanding one-of-a-kind properties, the rest of the historic ones which are contributors, and then those that are not non-contributing. I know you already use that kind of terminology and so we want to put that into the book.

Then on page six, there are definitions that you should take a look at ultimately because throughout the book in some cases, we say one should consider a certain approach. In other cases we say something is inappropriate. And so these are definitions that have evolved over time working with different corporate counsels. And you guys may want to have your hit at them as well. The main points here are to say that when something says consider, it doesn't mean you have to do it that way, that that is one approach, or that you're encouraged to think of doing it that way. When it says it's inappropriate, though, it means you can't do it. So several of these are definitions that are related to the guidelines later on for that purpose, and to particularly to help you, I hope, when you get down to enforcement questions.

Mr. Moto: Madame Chair, I compliment the drafter in addressing these interpretive issues. I think they help to clarify the meaning of the terms that are used or at least it's a little clearer what these terms mean.

Mr. Winter: Exactly. You all talked about it, and in talking with members of the business community, we certainly heard there are great deal of concerns about enforcement and compliance. And we've tried to give you as tight a language as possible but recognizing there's still a human factor that would be a part of that no matter what we write, will be there. But to the extent that we can make it clearer and easier for those enforcement officials to say no, or you have clearly violated the certificate of appropriateness, at least we would have given you the paper to help you with that.

Mr. Fredericksen: I have a comment on page six under Historic Structure. Last sentence, "In the context of this document, an historic structure is one that dates from the town's historic period of significance (Pre-contact 1940)," what do the Commissioners feel about the 1940 cutoff?

Mr. Winter: Yes, I had that tagged as something I wanted to ask you about.

Mr. Moto: Madame Chair, if I may make this comment, which is that presumably once this becomes an ordinance, it may be around for decades. This may become the guidelines in 2010, 2020, 2030. And by that point in time, what's considered historic will have moved forward in time so that now it'll be everything up to maybe 1970s.

Ms. Duensing: Exactly what I wanted to say is it leaves no room for our nonconforming structures to now become part of the historic landscape. So does that mean in 2020, that building was constructed in 1970, it's really nice, but it's got to go?

Mr. Winter: Shall we just drop that last sentence entirely?

Ms. Duensing: Yeah. I think if you wanted to make the point that the historic period of significance is pre-contact to 1940, but a historic structure is still one that is at least 50 years old. There are two points to make but we don't want to discourage buildings built after the war from being included.

Mr. Winter: I think that's a good point. And I can reference right now we've been working in Aspen, Colorado, and it has a— its early history is a mining era. And that's what its historic preservation program is focused on for the past 20 or 30 years: the Victorian era commercial buildings and residential buildings. About three years ago, they recognized that now the early ski industry development has become historically significant. That was where early skiing began in the United States in the late '40s after the war and early '50s. And some of the early — the sort of the Swiss chalet-style motels have taken a historic significance because now they tell a part of the important history of the community. So they've added another period to their preservation program and it could happen here.

Ms. Duensing: Right. And I think that that is the important point that we not limit it to — you know, the 50 years old is still significant whether you're naming streets, preserving buildings, or whatever it is.

Mr. Winter: So let's just take that sentence out. Okay, well, you can look at the other definitions. Then on page eight, this is something that in particular talking with the business community, I think they wanted to have some language in here that really pointed to property owners why this is good to do, and why we should be doing this.

Ms. Duensing: It needs to go much earlier, though.

Mr. Winter: Okay. And particularly the last paragraph about why should you comply to sort of try to put the burden on them from a personal responsibility standpoint, and not just from a legal standpoint. But to say this is something that if you violate it, you're hurting the community at large in doing so is the idea we're trying to get across here. And you're saying move this whole section up?

Ms. Duensing: Most definitely because I think why we do historic preservation is just as important as all these ordinances you have pointed out, and they work hand-in-hand.

Mr. Winter: Okay. Then the Historic Overview, I don't think we should take time to look at it. I think it's best that you look at it individually. And then if you see factual errors or any glaring omission that you pass that on to Kathleen. We've tried to sort of highlight those basic periods that are going to then be reflected in the building types and styles that are discussed later. But this is a key part of this, but you'll see it's a very short

history.

Mr. Pa: I noticed here that you used several Hawaiian phrases throughout in the description. I'm wonder if there's a need to use the diacritical marks: the kahako and the `okina.

Mr. Fredericksen: That's a really good comment, Milton.

Ms. Duensing: Yeah, I agree. There's been an attempt to use the `okina except that it's an apostrophe. So it should be done properly.

Mr. Winter: We'll figure out a way to do it.

Ms. Duensing: You can get the free Hawaiian font software from U.H. Hilo. They're available commercially or on the web from U.H. Hilo.

Mr. Winter: I'll talk to Elizabeth. She, of course, provided this chapter and I'll ask her to go back in and do that. That's very good suggestion. That would be probably most critical in this chapter, but obviously it'll show up elsewhere as well.

Okay, then moving to Chapter 3, Architectural Styles and Building Types. What we have done here is to present only those building types that you physically see today that you're going to be dealing with in either rehabilitation, alterations, and/or new construction. So presently things such as out of the Style Book sketches of traditional thatch huts, etc., don't show up in this section. Now, we do want to introduce some of those elsewhere where we talk particularly about the monarchy area, or in an appendix to recognize that these are some of the styles that one might deal with from an archaeological standpoint. But in terms of the sort of rehabilitation standards, we didn't want to confuse things. Because right now, I think when you look at the current Style Book, unless you know and understand how you're using those sketches, it isn't real clear that some of those are just historical education information, and others are illustrations for guidance about what you should be doing. So we're trying to separate those elements out.

Mr. Fredericksen: I've got a comment and kind of a question. This would be page 15, 16, the Architectural Styles and Building Types. I'm wondering if it might not be appropriate, or it might be appropriate to put in for informational purposes, the heading on indigenous architecture because, Lon, you said it had been passed, yeah? The indigenous architectural guidelines?

Mr. Whelchel: (Inaudible)...signature of the Mayor.

Mr. Fredericksen: Okay. It's essentially passed. If it would be possible to cross

reference it just so somebody is looking through this, and they've got a question, they can go, oh, okay, this information's available in this other document. It is important information.

Mr. Winter: We can easily do that. And in fact later on you'll see that we've set up a format for having references at the bottom of some of the pages. So that's exactly the kind of thing that we can add in very easily.

Ms. Duensing: And I would also strongly recommend that if you're using historic photos such as that on page 15, or I'm assuming the sketch on page 17 is from the old Style Book, it should be credited to where the sources are.

Mr. Winter: Yes, and you'll see later on we do begin to credit some of them, but we haven't gotten all those credits in yet.

Ms. Duensing: And you're going to do it here and not in the back somewhere?

Mr. Winter: Well, I think we'll do it a couple ways. Several of them are from the Kutsunai collection. And we'll do a general credit up on the credit's page right up front, which isn't there presently, but then each of the individual images will also have their credit.

Ms. Duensing: Okay, good. I prefer to see it on the individual photos because it's really annoying to try to find it somewhere else sometimes.

Mr. Winter: No, I mean, up front will be an acknowledgment, grateful appreciation for the use of these images, etc.

So then starting on page 17 is where we have tried to delineate these different building types. And to some extent, I guess when I get to the commercial buildings, the first one is sort of self evident: the Baldwin House, and it's sort of the missionary era buildings. But you'll see the form that we've done. We've listed by sort of subcategory with the key characteristics of this building type are: site location, the building form, its high roof, materials, any other kind of key features of veranda or porch, windows and doors. So that listing of features then is used throughout each of these individual building types and styles.

Ms. Duensing: Can you drop the word "colonial?" The reason I say is if you teach American History, the colonial period, and then you've got Circa 1820 to 1860, we're already a nation there. We're not a colony. And it looks like an oxymoron because you're referring to colonial-style, not the colonial period.

Mr. Winter: Right. And even these are questionable whether they're technically colonial.

I'm not quite sure where that came from.

Ms. Duensing: I think typically here when we talk about architectural history, we talk about New England influences without the word "colonial."

Mr. Winter: Right. Well, then and of course, none of these are pure styles here. And so in several cases, we talk about influences rather than the Neoclassical style, per se. Well, that's the one where probably it is fairly distinguishable as a formal style in some cases. But many of the others, they are mixed and matched of pieces.

Mr. Pa: I don't know much about architecture, but in looking at the characteristics, I don't see it mentioning other buildings either, but where would the foundation of the building fall within these characteristics? Or is the foundation mentioned in any building characteristic?

Mr. Winter: Good point because we provide guidelines later on about foundations. So we really do need to highlight that here because there are some very distinct differences.

Mr. Pa: There are, yes.

Mr. Winter: Yes. Good point. Okay. So then commercial vernacular kind of takes in a whole lot of what we see on Front Street, in particular. And we've tried to make use of the historic photographs. We'll try to get them a little bit clearer here, in some cases. And then you'll see we're beginning to introduce some simple sketches. And we will again use some of those from the Style Book where we can also to illustrate some of those typical elements so that it'll be fairly easy to see them.

What we did was we said most of them are this commercial vernacular. They're very simple. They had a store down below. If they had a second floor, it was a different character than the vertically-proportioned windows and doors. Within those, we said there are some that had a little bit more formal detailing. And those generally drew upon Italianate design details. And so we call that out as a special category: the Italianate commercial on page 20. Again, not necessarily a formally recognized Italianate-style here, but some of them have a little bit more ornate brackets, for example, and then a little bit deeper trim molding around windows that begin to suggest a little bit more of an influence of an Italianate-style. And I hope we have correctly used images of genuine historic buildings here. Sometimes we might mess up. And if we've used one that's not correct, I know you'll flag it.

Ms. Duensing: I was wondering about on page 18, the storefront windows, and what this is based on: "primarily divided in half or quarters?"

Mr. Winter: Well, if you look at the one – the upper window there, it says “Fountain,” “Service,” that is divided into quarters, into four panes.

Ms. Duensing: But is it typical?

Mr. Winter: Yes, I think so.

Ms. Duensing: Okay. It’s just a question.

Mr. Winter: And we are going to be introducing some more historic photographs, and they will read better in slides, but I think we’re going to get later on to a sequence that may show that a little bit clearer. And if not, I can show them to you on the computer later. But we looked hard, and did not see multi plane glass showing up in the historic photographs. Divided into fourths is about what we saw in any of those photographs. So that’s the one piece of information that differs from I think what many people have been thinking those buildings had historically. Now, if there’s other information that shows it as different, then we’re certainly open to it, but we haven’t seen it.

Mr. Fredericksen: Is it possible on some of these if where possible to indicate when the photograph was taken if that information is available?

Mr. Winter: We will to the extent that we can. What we received on disk didn’t have that information. But our hope is that once we have selected the ones we will use then we can sit down with the archivist and determine more clearly what the date is.

So then the other style, page 22, is Neoclassical. And they are the ones that are more readily recognizable, the higher style buildings that show up on page 23. But there are some with modest details such as the row shown on page 22 that have simple Neoclassical columns or pilasters attached to the facade.

Mr. Welchel: These existing photographs, can you enhance those so you can get more of the details?

Mr. Winter: Yes, we can do a couple of things. One is adjusting the contrast. But in other cases, I think what we want to do is zoom in the way we did on page 23 with the closeup of that detail where it’s much easier to read it.

Mr. Welchel: Most of the details are missing, and that’s what makes up the orchestration of the Lahaina architecture.

Mr. Winter: Right. And in each of these cases, we hope to be adding a sketch similar to – in fact, we had some more in progress that are not in the document yet. And I left them in the hotel, unfortunately. But the plan is to have for each of the style types, like

on page 19, those sketches with the notes identifying the key elements of that particular type. So we'll have one of those for Neoclassical, and one for Italianate, etc.

Ms. Sablas: While we're on page 22, just for the caption, "Lahainaluna High School," not "Lahaina High School."

Mr. Winter: Yes, I saw that. I think I caught that. Yes. Then Plantation Era Residential is on page 24. And then we could add in a page for more of the other plantation era houses you were talking about. It sounds like they are a little bit more substantial than these?

Ms. Duensing: Yeah, on Front Street is where the plantation managers typically had their homes.

Ms. Sablas: It used to be called "Haole Camp."

Ms. Duensing: Yeah, and one other thing that I'm thinking of as I look at Plantation Era Residential because when we do architectural history here, we don't necessarily say that is I think maybe there needs to be an added emphasis on all of these things being quite vernacular in style because of the local building materials available, the local carpenters from elsewhere that did the construction work. And maybe we over used the word "vernacular" here in Hawai'i when we do architectural history, but I think it's really important because it doesn't quite fit into the Italianate mode in a lot of cases, just as an example.

Mr. Winter: Okay. And then page 25 we started, and then stopped of trying to deal with some of those distinct unusual building types and styles. And I'm just not sure if we need to do this, or if we do, where do we go with it?

Mr. Fredericksen: Before we go there, I want to just one more time, page 24, under Plantation Era Residential, again there's a reference to King Kamehameha III Elementary School. In here it's "King Kamehameha Public School." That needs to be changed to "King Kamehameha III Elementary School." Just so you folks can make sure that's consistent throughout the document. And I know that wasn't the case when this was first put together, but now if that could just happen.

Mr. Winter: Okay. So page 25 is a question to you of—

Ms. Duensing: Perhaps the best way to deal with this is Wo Hing Temple is so unique, it's a landmark building. Because we don't want to encourage replication of this because it is a landmark. So I think that should be stuck with the other landmark buildings maybe. I wouldn't even try to fit it in anywhere because it's unique and we don't want to mimic it.

Mr. Winter: Okay. Good. That makes it simpler for us. I like that. Okay now we're getting ready for the guidelines, or at least the basic principles set forth. And so here is the introduction of some of these basic terms. And here also is where we dealt with that period of significance. And we had a different date span here because we were trying to sort of peg down the period of significance of particularly Front Street, but maybe we'd want to again delete that last sentence, and just not go there, and just leave it more with the abstract discussion of the 50-year cutoff.

Ms. Duensing: Yeah, and here again, I think maybe. . . . It might be more confusing than it's worth.

Mr. Winter: Let's just take it out.

Ms. Duensing: What does the landmark paperwork say? Does it point out a period of significance?

Mr. Winter: It's pretty vague.

Ms. Duensing: Because they kind of talk about it as the whaling missionary era, but then you've got all the vernacular architecture, and it doesn't fit.

Mr. Winter: Back then, the landmark nominations were so general. They were just sort of these romantic essays. They really didn't have the technical level of information that we really rely on these days from a preservation planning standpoint.

Ms. Duensing: I guess maybe the period of significance might be better defined in your concept areas where you talk about Front Street, the general period of significance would probably be 1920 to 1940, the missionary landmark area, and put dates for that. Maybe that might make it easier to figure out.

Mr. Winter: Okay. We'll look at that. So then what we were trying to do here was in the simplest language, if you really wanted to say to someone, what is preservation all about, here are these key principles. And for those of you who are familiar with the Secretary's standards, you'll recognize them here kind of simplified: be aware of archaeological resources, respect the historic design and character of the building, seek uses that are compatible with them. These are just the very basics of preservation. On page 28, that early alterations may be historically significant, and that later alterations that are not significant should be removed. So that's sort of the basic principles.

And then, the planning and preservation project, this is this sequence that shows up in the Secretary's standards, and that we use throughout these guidelines which is it's always preferred that you maintain a feature intact. If it gets deteriorated, you should repair it. If it's beyond repair, replace it. If it's missing entirely, reconstruct it based on

good information. If you're doing any new alterations, do it in a way it's compatible. So that's the essence of the principles that get replayed over and over and over again.

Now, when you read this, you'll say this thing is really repetitive because those same principles get reiterated but remember a user is only going to use one chapter. So when we get to materials it says preserve the original materials. Repair them if you need to. When it gets to details it says preserve original details, repair them when you need to. So you're going to see that same language over and over and over again here.

Ms. Duensing: This doesn't have to do with preservation principles, but looking at page 28 in your sketches there made me think that in the earlier things when you point out design concepts and stuff, did you address the attic vents?

Mr. Winter: They show up later in the discussion of architectural details.

Ms. Duensing: Okay. Attic vents are important characteristics in our vernacular architecture. And I want to point that out because in some recent renovation projects, and I use that term loosely, they've been taking out attic vents to put in windows, or just getting rid of them, and that's an important detail in a historic building.

Mr. Winter: Absolutely. And, Dawn, while I know we put guidelines in about preserving them, I don't see that we actually named them as features.

Ms. Duensing: Maybe it should go in under our commercial vernacular characteristics. Just like you have roof form, attic vents should be in there.

Mr. Winter: Definitely. And then on page 29, we put the Secretary of the Interior standards in so that – because they are so broad in general that if in the more specific guidelines that follow, we've missed something, or some new design trend shows up five years from now that we didn't anticipate, you can always fall back on these. They're now clearly a part of your regulations. Plus, it'll make SHPO happy.

Okay, Chapter 5, Treatment of Cultural and Archaeological Sites, starting on page 31, this is where the cross references show up. And they're the wrong ones, unfortunately. These are the ones for rehabilitation. This is where the standards for archaeology should show up at the bottom of the page referencing here. But this is where we can reference County law, State law, as well as the Secretary's standards for treatment of archaeological resources. And that kind of a footnote reference bar we can use earlier on where Erik was talking about providing some of those kinds of preferences.

So what we were not trying to do here was to actually provide those typical guidelines for archaeology, but instead, just to outline the basic approaches for treatment of a site

that seemed to be the ones that would be discussed. And then of course, mostly we were responding to what we heard about the Moku`ula proposals. So we've outlined these different options, these four different approaches on page 32 and 33 for dealing with those kinds of sites.

Ms. Duensing: One thing we might want to add based on our Moku`ula experience in addition to what you said is that what goes up to next to these significant sites is important as well. Otherwise, if it wasn't important, we'd have JDI constructing their big, two buildings with bars on the second floor, and everything else. And the community felt that that was inappropriate and disrespectful. So somehow that needs to be worked in.

Mr. Winter: So the property that that project would've been on is now within the boundary we've defined as the monarchy area, isn't it? So if we make it clear that this chapter, these principles apply to that entire treatment area, or whatever we call it, that would give you some teeth in the next time around for addressing that.

Ms. Duensing: Lori, do you have any appropriate suggestions for that? But that was the major problem with that was the inappropriate treatment of adjacent areas.

Ms. Sablas: How do you actually delineate that area? Where does it start? Where does it end? I think that's really important in the guidelines as what we feel. It's not really clear with this map here.

Mr. Fredericksen: I think it is clear actually, Lori. I'm just looking at it. I see Prison Street on the north side. Prison Street is on the north side of the green which is the monarchy resource area. I believe that's it unless that's Kamehameha III. I'm not sure if it's indicated. It may be under C, the residential area.

Ms. Sablas: Is it going to be bigger? I cannot read the street signs even with glasses.

Mr. Fredericksen: I think it is under Residential Area 1. I think the monarchy area encompasses the Moku`ula project or the ultimate project area. But I don't think it covers that JDI or the parcel that used to be owned by JDI that's now I think the County parking lot. It's hard to tell though. I can read Shaw Street.

Mr. Winter: I'm looking at staff. Would it be possible to have you guys – give a large print, and look at it, and see if those boundaries are drawn correctly? But I guess that doesn't have to be resolved by the end of the month. We can always fine tune the boundary before adoption, the subarea boundaries.

Ms. Duensing: I think as you work on this, if you know what the problem is, the Planning staff should be able to help you address this issue. But I guess we as Commissioners

want to make sure that it is addressed because the last two years it has been so controversial.

Mr. Winter: So what I'm thinking is we need to – we'll try to fine tune this tomorrow with staff. We're going to have a work session with them in the morning. We'll revise the boundary to our best effort for getting it in by the deadline. And then still get an enlargement that you all could work on at a meeting that might be after the end of September or whenever it fits your agenda before we go to adoption to really get the boundary exactly right.

Ms. Duensing: But I think in addition to the boundary on the map, it needs to be stated in black and white why we're concerned with this, and what consideration needs to be taken for these areas of Hawaiian significance.

Mr. Winter: Okay.

Mr. Fredericksen: Yeah, and there's not a lot of areas in Lahaina that are going– This one is particularly important. Because the portions of what's on Moku`ula, there are also ponds that extend under this Area C which is right – this is where I'm talking about. Here's C. Just south of that. And then also Dawn just brought it up over by the Lahaina Library, that's got Kamehameha's Palace. I think the school is under B right now because this is Canal Street. That is under B. But B should also be over by the library. Granted, that is State property. So hopefully nothing's going to occur there, but the library could be renovated or utilized for some other purpose at some point.

Mr. Winter: Okay.

Ms. Sablas: And I think if you look at the map, which is not really clear to me, the area that we're sitting on, this is designated C, residential. And I think it should be designated more historical because here you have the cemetery that has ali`i from the past, and it shouldn't be in that residential.

Ms. Duensing: It's really a mixed use area because you're awfully close to – or maybe you're not, but isn't there a hotel on this street down the way?

Ms. Sablas: Yeah. This is all part of the sensitive historical area, this very ground that we're sitting on. And I think in the guideline, that should be really, really noted.

Mr. Winter: Okay. Well, do we want to create another subarea here, do you think?

Ms. Duensing: It kind of falls in the monarchy/missionary era because it's associated with the missionaries. Some of them are buried in the graveyard too. But it's also associated with royalty because of the graveyard and because of who worshiped here,

right? Yeah, so that should be a noncontiguous resource area connected with Baldwin House and that part of the history.

Mr. Winter: Okay, we'll go over this tomorrow with staff. So then we provided just some very brief archaeological and cultural sites guidelines again sort of abstracting basic Secretary's principles. And introducing a couple of comments from the last public meeting which sort of go beyond guidelines but to provide some places that people could actually sit, or talk, or experience the site.

Then Chapter 6, starting on page 35, this is the one that deals with architectural details or features. And so again, those basic principles of preserve it in good shape first, and maintain it, then repair it if you have to, and replace it, you'll see throughout here. Here, Dawn, you will see a vent illustrated as a key feature, but we'll need to be certain it's also back in the...(inaudible)...

Ms. Duensing: And that should go in the vernacular residential architectural section, too, because if you drive around neighborhoods with older houses, nearly all of them will have an attic vent.

Mr. Winter: You certainly need to read the details of this, but I don't know that there are any policy questions here that I had. And I think this is pretty standard preservation language, but you just need to be certain that it does actually apply, and that we've used appropriate examples.

Then, Chapter 7 addresses building materials, covering the restoration of those, the different kinds of materials. And then again, you need to check to see that we have addressed this correctly. I think we've tried to be certain we're addressing the correct materials, palettes, but you need to look closely at that, if you will please. But I don't think I see anything here that I have a question about.

Ms. Duensing: Can I point out something or ask about something? On page 42, we talked a lot about metals, and the use of metals over the course of the last couple years when people come in and ask. And I was under the impression that metals were minimally used. So maybe you can check your historic photographs because I'm not sure that metals have a whole lot of use here because it was so expensive to get here, and because of the quick deterioration.

Mr. Winter: I think they obviously had very limited use, and I don't know if these metal brackets here are original or not.

Ms. Duensing: I don't think they are.

Mr. Fredericksen: I remember when that sign went up. I was in Lahaina.

Mr. Winter: But the brackets? The brackets were all added? Because there are a series of them there supporting that canopy.

Ms. Duensing: Because we've heavily discouraged the use of metals and wrought iron in the past based on just not seeing it in a whole lot of historic photos. But if you've seen historic photos from prewar—

Mr. Winter: Well, the only ones would be certainly the corrugated metal roof which we address later on.

Ms. Duensing: But I think what you've got here with that sign is not historic and inappropriate. And I know with our sign design guidelines we're now only using them in very limited cases as well.

Mr. Winter: Okay.

Mr. Fredericksen: I think that part of Pioneer Inn was the new part. When was that built? '68? Somewhere in there.

Mr. Winter: And obviously a lot of people have used that for inspiration for other buildings in the area. We're trying to sort of steer them in a different direction from that.

Ms. Duensing: One more thing: Replacement of Building Materials, page 43, A4, materials such as aluminum and vinyl are inappropriate. They should be banned. And we're seeing this go up all over Wailuku, and it's not appropriate for a National Landmark District.

Mr. Winter: Well, again, our definition of inappropriate up front says not permissible, but we'll say it clearer here. Don't do it. Okay. Not allowed. Okay.

Page 45, Design Guidelines for Individual Building Components, to some extent this is sort of the same as details but it's the things that are assembled into – where several pieces go together to make it an element like a storefront, for example, are addressed in this section, as well as some of the key things such as the building foundations, Milton, that you were raising earlier. We do discuss that as a guideline. And so we'll need to be certain that in fact we've identified those as features back in the earlier section to provide that linkage to it.

Mr. Fredericksen: Just a real quick typo check as we're moving along, under the Topics Discussed in this Chapter, no. 4, porches, balconies, verandahs, and lanais.

Mr. Winter: Okay. So we talk about roofs. And a couple of the key things here probably relate more to some of the residential than any, but maintain the original eave depth is a

particular one. Sometimes we've seen alterations to overhangs, change in the character of some residential roof lines especially when they're sometimes converted to commercial use.

Mr. Moto: Excuse me, Madame Chair, if I may pose a question? This concerns the use of the terms, "canopies" and "awnings." The Commission has had on previous occasion to address requests to install canopies and awnings. And number one, sometimes the terms are used in a way that it's not clear what is meant. It's not clear what someone might call a canopy and another person might call an awning. And the reason I point this out, sir, is because I see that you have a discussion that distinguishes the two on page 47, but actually there are references to awnings earlier than that on page 44.

Mr. Winter: So we should do a specific definition up front?

Mr. Moto: Yes. And for example, the Commission recently reviewed and approved a Front Street commercial building that involved an installation of metal. I guess it's a question whether what do you call a canopy or not.

Ms. Duensing: It was a metal shed roof type of thing. In line with what Brian is saying, I agree with you wholeheartedly – thank you for pointing that out – is the brackets for the canopies being of most importance because we've argued about whether somebody can come in with gold chains, or plastic chains, or other silly materials.

Mr. Winter: So they need to be wood?

Ms. Duensing: The brackets underneath. And what do you call the support? The stuff on the top is typically iron rod.

Mr. Winter: Right. Well, in talking about metals, I guess there may have been a couple of those in some of the earlier photos, the metal rods supporting a couple of those brackets. That may be true. I have to go back and look at that. I think that's true.

Ms. Duensing: Yeah, I think iron rods are okay, but the use of other metals especially things like wrought iron in that previous picture are inappropriate.

Mr. Winter: Well, let's do a terminology check because as I write this clarification, the way I'm using the term "canopy" it is a rigid structural element supported on the building. Usually it does have a shed form here. An awning I'm saying is a fabric construction.

Ms. Duensing: And I think we agree with you. It just needs to be specified.

Mr. Winter: Okay, so that's the way I'll write the definitions.

Ms. Duensing: Because you'll have a lot of historic buildings that never had awnings come in and ask for them for obvious reasons.

Mr. Winter: Right. Now, we have seen a historic photograph of the Lahaina Store upper floor having fabric awnings, shed-shaped fabric awnings on the upper story windows of that building. So whether or not that building is a prototype for others or was very unique I guess is a point of discussion, but it apparently did have them. So we have at this point of the game in this – in here, we've said they could be considered on upper stories and residential-type buildings. Now if that's contrary to your policies, we can change that. But I can pull that image up on the computer maybe at lunch break or something if you want to see.

Ms. Duensing: My first inclination would be– I don't know. Maybe Lon has some input on this, but I would be disinclined to do awnings on second floors.

Mr. Winter: Well, they're probably not very practical here.

Ms. Duensing: It depends, though, what you're using your second floor for because there's a lot of restaurants on second floors in Lahaina, and maybe they are practical in the afternoon.

Mr. Whelchel: The awnings are not historic, so they should be eliminated.

Mr. Winter: Okay. Would you say that it's true also on the residential-type buildings? I think we have seen some on early photographs of them as well.

Mr. Whelchel: How early?

Mr. Winter: Well, they could be from the '40s, those pictures. And again, we could look at those at lunch break. I can show you some of those on the computer, and you can tell me if you think they were – how relevant they are or not.

Ms. Duensing: I think it's probably a tossup and they'd probably be unique items. I think the real point is do we want to see them all over Lahaina. If everybody gets the idea that that's a great thing to do, then we're going to really change the way everything looks.

Mr. Whelchel: It's hard to limit something like that. You have to either eliminate it or let it go on.

Mr. Winter: Okay. So then what we would be saying is what we've then been calling a valance-type awning which maybe will show up. I've forgotten where we discussed that. But the vertical ones that are dropped down under a canopy for the late afternoon

sun are a part of the history and are appropriate. And I think one question there we need to clear about with staff is there's some language in one of the early policy documents about whether or not those were signs or not, and how much information can go on one of those. Because we've heard arguments that when they're dropped down, they're replacing the sign that you can't see under the canopy. But on the other hand, does it become another sign, and is it counted in the—?

Ms. Suyama: (Inaudible)

Mr. Winter: Right. So we'll visit about that in the morning.

Ms. Duensing: Didn't we put that in the sign revisions?

Mr. Winter: I think that's where we saw it, right. So I just wanted to be certain.

Ms. Duensing: I think it's already been decided, so it should just be compatible with what goes in here.

Mr. Winter: Well, I think that's what we've tried to do.

Ms. Suyama: Originally, when they used to start using the awnings on the buildings, they were original canvas, one color, one primary color. But gradually, people have started to use stripes, variations of stripes, and using different types of awning materials besides canvas. I think maybe that's something that you may want to discuss in the guidelines.

Mr. Winter: I think we brought forward the language out of the sign guidelines about it. So I think we said they shouldn't be signs and they should be a single color. I believe that's the language you'll see in here.

Ms. Duensing: And I agree with Colleen's point. I think what she's trying to say is just having us specify colors may not be historically accurate. But I think the reason why we do it is to try to prevent an orange and pink stripe next to a green and chartreuse one or something.

Mr. Winter: So for example, the one on page 47 which is striped, "Shark Teeth" would now be considered inappropriate?

Ms. Suyama: Probably.

Mr. Winter: Yeah, that's fine. I think that's reasonable to say. The historic photographs certainly they appear just to be solid, plain fabric, rolled down material.

Another terminology check: page 49, Porches, Balconies, Verandahs, and lanais. We've seen those terms used in different descriptions. Are all of the terms used here or not?

Ms. Duensing: I would skip porches, and probably balconies in favor of lanais and verandahs in that order.

Mr. Winter: So looking at the little cottage in the upper right photograph, what does it have?

Ms. Duensing: A lanai just because of local terminology. I mean, I agree, it's a porch. That's what I'd call it, but I think everybody here would call it a lanai, wouldn't they? Ke`eaumoku, what do you think?

Mr. Kapu: (Inaudible)

Ms. Duensing: Put porch last then. Lanai first, then verandah, because it's a nice word, and it sounds really classy, and porch at the end.

Mr. Winter: Okay. So they're all used. Okay. On page 51, now these are small right now, and maybe we need to enlarge some of these photographs to make them easier to read. This historic photograph shows several of these storefronts where it's just divided into four medium-size panes, which I guess from the cars is from the '30s?

Ms. Duensing: Cars aren't a good indication of photograph dates because people kept those things forever here.

Mr. Winter: But in any case— And maybe I'll pull some of these and show you all a little bit because I'd like your reaction to some of them because we are relying on that information.

So then maybe going to Chapter 9—

Ms. Duensing: One comment on page 52, the second photo you have there, maybe you could find a better picture of a raised wood paneled door that's not obscured by the balustrade? A better detail?

Mr. Winter: Sure. I'll have some time today to shoot some extra photographs.

Ms. Duensing: Because actually the railings there are pretty modern too.

Mr. Whelchel: Let's go back to 50. Those, in my estimations, are poor examples because the support doesn't go all the way through. The jams of the doors don't go up

to support the glass above. They're structurally unsound. The one on the bottom, they have a common jam between the two windows. That mullion should be above, straight up, if it were good sound design. It's off-centered. And if people are going to be copying that I'd hate for them to keep coming back with a jam-split. And the same thing with the one above. They're just windows, like shotgun windows. And also you have a metal support on that canopy. And I think we're trying to get away from that.

Mr. Winter: You think those are more recent?

Mr. Whelchel: Yeah.

Mr. Winter: You raised a couple of good questions. And certainly the lower storefront is one that doesn't quite make it in a couple of levels. If you look, again it may be very hard in your copy, the next page, page 51, that middle storefront building, the windows just above that car that's parked there, you will see that the muntin or whatever it is— Well, now, the jam in between the two sets of windows probably does align. I was going to say that I think I see something different, but I'm not sure. Maybe this is showing exactly what you're saying. You'll see the smaller divisions don't necessarily line up with the muntin of the larger window below, but the main division between those two windows does.

Mr. Whelchel: Right. The main window jam will go all the way up. Also, the ones at the doors would go all the way up. And these three little windows on page 51, I need Lori's glasses to see any detail. And also, when you have like sheet 56, you have a lot of blank space. You could blow your details up. You could blow your pictures up or add pictures. But blow them up to where they're large enough that we can see the detail.

Mr. Winter: That's a good suggestion. We were dropping these in for a different purpose, but now I'm seeing that we can really use these in a different way here if we enlarge them.

Mr. Whelchel: They're of no value if you can't see the detail. All we can see is roof line.

Mr. Winter: Okay. Anything else on that chapter? Then Chapter 9 starting on page 55 talks about adaptive reuse. So this is addressing the houses that are converted to commercial uses.

Ms. Duensing: One question I have for you, Nore, is the Secretary of the Interior has all the guideline books, the little six-page sheets.

Mr. Winter: The preservation briefs?

Ms. Duensing: Yeah, exactly. And what I'm thinking of is there's one for accessibility

and stuff like that. Are those referenced anywhere in this document?

Mr. Winter: I believe we may have a general reference but again we could add some of those specific references like in this reference bar right down here.

Ms. Duensing: Because I think maybe it would be good to make references to some of those preservation briefs which might be more important. And it would be good for our Planning Department to have a catalog of those so they're available and the staff is familiar with them as well. This is an issue that's come up before too.

Mr. Winter: Sure. Now, there's some other issues that come with adaptive reuse that shows in the following chapter about additions. But this one basically – because all of the previous guidelines obviously would apply as well about preserving original details, etc. This is just simply to make the point that converting the use doesn't mean you can convert the look. It needs to still convey its traditional residential character while taking on some new functions.

Now, the next chapter on additions is where– Well, there are a couple of questions. One is I think we – there's a photo that Julie put in up above there on page 58 that I don't think is appropriate. It's not in the district anyway. So I'm going to delete that upper photograph.

We do have a sketch for an attached addition that steps down in scale on a cottage. We also can provide a sketch for the concept of using a connector such as was discussed in your earlier proposal today to show particularly when the mass of the addition is going to be larger, then you want to get it farther away from the original building, and use that smaller kind of connector so that has it separated from the original. So I think we probably need to provide a little bit more language here about additions based on what I heard this morning for residential-type properties when you're dealing with that larger mass.

Ms. Suyama: Is that the Queen's Theater on page 59?

Mr. Winter: I had a question whether this is a– I wasn't certain what we were seeing here. Is this a historic structure that's had an alteration or what's happened here?

Ms. Duensing: I think it looks like it's been raised inappropriately. That is just really strange-looking. I've never seen anything like that.

Ms. Suyama: (Inaudible)

Ms. Duensing: But even if it was high, they would typically put something up in front of it to cover it. I think that's a no can-do.

Mr. Winter: So it's not an addition. If anything, the facade, the front, is the alteration, if anything there. So that's probably a confusing photo and we shouldn't use it.

Then down below we tried to generate some sketches that talked about the concept of additions. Because of the concern about the view from the port side of buildings, in many communities we would say when you're dealing with a commercial street, you can add an additional to the back or on to the top as long as you set it back, and that's fine. But the problem is we've got kind of a double front, double experience situation here. So we've tried to talk a little bit more clearly about how you might make additions to the makai side of these in a way that it would be compatible.

Ms. Duensing: In your section on modifications, is page 56(D) the only time you've addressed the accessibility ramps?

Mr. Winter: No, there's a little bit more addressed coming up about accessibility. So let's hold that question and see if we got it or not.

Mr. Moto: Madame Chair, I have a question about the use of photographs in general. For example, on page 58, the very last photograph at the bottom with the caption, "In most cases, additions that occur on the makai side of Front Street should step down to the ocean." Perhaps if there could be maybe a disclaimer or caution at some point to the extent of in using photographs there, they're used for illustrative purposes only to make particular points, and not necessarily as an endorsement of the structure as a whole. Because I assume that the use of certain photographs, for example, the one on page 58 at the bottom is not necessarily to say that that particular structure that's featured there is an acceptable structure, but rather that you're just illustrating the point about scale or stepping down. Is that—?

Mr. Winter: That's a very good question. And yes, we can make that point. And actually I was going to raise a more specific question about the use of photographs. And I should've raised it earlier, but it's just that when I marked up my book, it didn't occur to me until a few pages from now. What I think would be helpful is if we have an indication. Sometimes we do it in a caption and sometimes we haven't so far as to when we're showing something that is considered appropriate, and when we're showing something that's inappropriate. And what we could do is put a little checkmark or an "X" up in the corner of each image so that real quickly you would know this is an example of something that's generally considered the appropriate way of doing it. And an "X" would mean don't do it this way.

Ms. Duensing: Another idea might be, and I saw this in New Zealand a few months ago when they were trying to do guidelines for their historic art deco towns is they used red lights, green lights, and cautionary maybe for the yellow, or something like that.

Mr. Winter: Maybe we can come up with a simple symbol that would work like that. But it also raised another question because I think in a couple of places, and they're still maybe coming up, we've said real clearly what you're looking at is inappropriate. And sometimes people take offense when that's their property. And so I wanted your thoughts about that, how comfortable you are of sort of pointing at people. Sometimes what we've done is zoomed in a little bit closer on a detail, and made it more difficult to identify the property for the inappropriate photographs. We could do that if you think that's a sensitive area or not. But if you don't mind being direct about it, we'll--

Mr. Fredericksen: I have a comment. This is on page 56. The bottom photograph says, "Maintain the historic orientation of the building to the street." In the lower right-hand portion of the photograph, this is fronting Prison Street, there's a bunch of activity pamphlets in a display case that's not supposed to be there. Dawn apparently already spoke to Colleen about it, but that's not something we'd like to have in here, or maybe it should be a notation. As a photograph, that portion of it is not acceptable.

Mr. Winter: I'm not sure this photograph is good for several other reasons.

Ms. Duensing: I don't think it is a good way because they changed the street elevation on that building so drastically a few years back. I think there's probably better ones.

And getting back to your question on page 58, and then we'll answer the question about possibly offending people, too, I don't think that's a really good photo to do. And maybe in some cases, would sketches be more appropriate if you can't find a good photo?

Mr. Winter: Yeah, and in some cases, we will be doing it, but we've got limited time and budget in terms of how many sketches we can generate. So we're going to have to choose those carefully and try to use photographs where they make sense.

Mr. Fredericksen: Is there somewhere in here that--? I'm assuming that you can't set out any new makai extensions. If somebody wants to set out a bunch of pilings in the water, that's not going to happen. I think that should be indicated somewhere in this document. I mean, all of this stuff is grandfathered in. None of it would be allowed now.

Ms. Duensing: And so in that case, the additions on the back side which is really the ocean are a moot point.

Mr. Winter: Yeah, except as Erik points out, unless you were doing it on an existing piling, an existing footing. I mean, presumably-- Let's look at the lower left photograph on page 58. Apparently, I've got some legal footings or piers there of some form. Could I build an enclosed one-story structure on top of that?

Ms. Duensing: Can we have some assistance from staff?

Ms. Suyama: There are a lot of people that on the ocean side, they have those open decks. They want to build structures on them. I think about over a year ago, there was a proposal for David's of Hawai'i on the rear portion. He wanted to do a major renovation, the new owners of Chadwick's, who's the new owner. He wanted to build another two-story building including the deck areas that are residential in nature right now. He wanted to convert that all to commercial use. So they are proposals from certain individuals who own these properties to come in for renovations or expansions. So you may want to address how you want to treat the makai area.

Ms. Duensing: That's a good point because I think when we met with you last time, we were happy to hear that you had talked about preserving the view from the ocean so that on Front Street when your building is between Front Street and the ocean, do it in the rear addition doesn't really make any difference because now you have both sides as a historic feature. So that if we started allowing additions, and major renovations, and changes, you'd be impacting the historic integrity of the building.

Mr. Winter: . . . not as far as we could here without a little bit more guidance about that. Because on the one hand, certainly there's historic precedence for evolution and change along the ocean side. People did do some alterations. They weren't designed as a single composition. So to say, no, you can't make any changes back there didn't seem appropriate. That's why we were trying to come up with these ideas here about keeping those additions modest, relatively speaking. But we can provide even more detail. But what I'm hearing is, the sketches on page 59, one could do those additions if you were on existing piers only. We can make that part clear. But then it sounds like we also need to go to another level of detail which is if I were to propose an enclosed area like that, what should its design character be like? We could say, for example, it needs to be very transparent. Have a lot of openings, balconies, windows, whatever, and not be solid walls. We can take that kind of an approach. Or we can certainly say we don't want enclosed additions, but I think that's going to be kind of hard to justify universally to say that no, you could never do any enclosures back there. So give me some help.

Mr. Fredericksen: I've got a question for staff. What happens if there's existing pilings? If somebody wants to stick a two-story – to use whatever example you came up with a little earlier, Colleen, put a two-story structure on it. And the pilings that were built there, that were grandfathered in are not structurally sufficient to handle it, are they allowed to put – because this is below the high water mark by a good amount – are they allowed to do that?

Ms. Bosco: It would need to be looked at in terms of structural adequacy. And then within a proposal, that would need to be reviewed by the appropriate agencies: DLNR and the Army Corps of Engineers for its soundness. That's my experience.

Ms. Suyama: There is a permitting process both at the State and Federal level. As long as they go through that permitting process, they would be allowed to do repairs to the pilings or to add on for structural support.

Mr. Fredericksen: Based on the fact that they were grandfathered in?

Ms. Suyama: That they already have an existing structure there. I've had situations where people have come in to repair the pilings of the deck because of deterioration, and they've been allowed to do that. If you're putting a two-story building on it, you probably have to do some kind of structural alteration. But as long as you go through the permitting process, it doesn't prevent you from doing it.

Mr. Fredericksen: Thanks.

Mr. Winter: Well, thinking as preservationists rather than the Corps, what we could do is take the idea of saying if the back side of the facade has historic significance, and it's a one-story form like this, and I've got right now a deck here that being able to perceive the character and the scale of this facade is important to understanding the integrity of this building that therefore, any addition or alteration needs to be done in a way that maintains our ability to see that, which would mean it can't go bigger than. It would need to stay lower than and in so that I could still see the outline of this form. So it could be potentially an enclosure that would do something like that. But I would still be able to see the main form of that original historic seaport side.

Ms. Duensing: But I think if you're using the seaport, the makai side is a historic facade as you are a street facade, then you've impacted the historic integrity of that building, haven't you?

Mr. Winter: Well, yes, but I mean, otherwise, you're going to have to evaluate each one of those facades on the ocean side for its historic significance. And if you say, no, what is there right now is intact or retained its integrity, you may not offer it. And it could be that that's true for some of them. My sense is, most of them already have alterations to them. So that's where I'm thinking you're probably going to be accommodating some change. But we could say the first point of evaluation is going to be what is the degree of integrity of the ocean side facade? If it has a high degree of integrity, then your ability to alter it is going to be very, very limited. If it already has a precedent for change, an alteration, then we might be looking at the broader features, the basic massing and form of the building maybe than the details. See what I'm saying? See, I'm not sure if a one-size-fits-all rule is going to quite fit.

Mr. Fredericksen: Is that something that would be beneficial to staff? It seems like it would be. This seems like to me like a gray area especially with these grandfathered in areas. I can see why someone would start looking like, oh, let's put a two-story, and

cram as much as they can in there. But it's not appropriate once again in a Historic District.

Ms. Suyama: I think for staff, it would be helpful to have some kind of guidelines in the architectural style book because you have to realize the oceanfront is prime real estate. A lot of people want to use those areas especially for open dining for restaurant use. And there are people that come in. They want to do renovations on those decks strictly to utilize it for commercial activity. And whether you put a structure or you leave it as an open deck, that's the question: what is the Commission going to support?

Ms. Duensing: My initial inclination would be as Mr. Winter said, if the building maintains historic integrity on the back, which if it has a back, it probably doesn't, that the building's historic integrity should be maintained. And any additional work should be done just as if it was being done on the street facade in an appropriate manner that matches the design guidelines. Why should we do anything different on our ocean view that everybody sees as they're coming into Lahaina harbor than we would do if they're driving down Front Street? Integrity and character should be the same in both respects.

Ms. Sablas: I agree. We need to eliminate the gray area. And this could become a gray area once we allow a little, oh, you can do this or that. Then we're going to go into the gray area. But if we make it very clear, I think just as Dawn said, we're going to treat the back just as we do the front. I think it would be easier for implementing.

Mr. Fredericksen: Is that workable for staff?

Ms. Duensing: Then you put it in black and white instead of gray. We're saying we're treating the back of these oceanfront buildings as if they are a part of the streetscape. So we will apply the same design guidelines to the water side as we will to street sides because both of them are seen. It's not like there's a back alleyway. It's a beautiful ocean.

Mr. Winter: And what we've heard is more people are going to be perceiving that way with the advent of the cruise ships.

Ms. Sablas: Yeah, and all we need to do is one person goes in and try to go with the guideline, but make some adjustments. Then it's going to go, oh, they did it. We want to do it. And I think it's very timely that we make that really, really specific now about the ocean view. This is a real key part of the update.

Ms. Duensing: And I was so happy when you mentioned the ocean view because so many times we see this, and we get ugly pipes, and everything else like we did a couple weeks ago, and we haven't been able to do anything about doing that. And, you know, kayakers deserve to see something besides pipes.

Ms. Sablas: And surfers too.

Mr. Winter: Okay, now we've gotten to the easy chapters. How are you feeling here? Do you want to start eating?

Ms. Duensing: What time do we have to be getting out here? Okay, it's 12:40 now. So we'll try to finish this up in another half hour or 35 minutes. Does that sound about right?

Mr. Winter: Okay. Do you want to eat and talk at the same time?

Ms. Duensing: Sure, let's do that.

Ms. Sablas: And I think maybe, staff, you're here. It would be really important that if you kind of address the real key areas for you that you need to deal with that we need to be able to discuss it in the interest of time. From your viewpoint having been in the area, what are areas that you need to have us take some action on?

Ms. Duensing: And another consideration is I know we still have a few people here: Mr. Freeland. And do we have anybody who wants to comment publicly on this and we need to leave time for those folks too.

Mr. Suzuki: The staff will be meeting on this tomorrow.

Mr. Winter: Yeah, we have a work session with them tomorrow morning. So you want to break, and get lunch then, and continue on? How do you want to do that?

Ms. Duensing: Yeah, a brief five minutes, and let's reconvene because we do want to provide for the public comments.

Mr. Winter: And I think their comments might be coming up more on these next chapters too.

(A brief recess was taken at approximately 12:43 p.m. and reconvened at 12:52 p.m.)

Mr. Winter: Okay, I was saying it somewhat jokingly that we got through the easy part, but actually I'm afraid these chapters are the ones that are going to have a few questions to them. I'll try to work out a lot of them with staff tomorrow. The side elements I think I mostly have some technical questions about. And there's just some glitches here. I don't know that there's anything I wanted to particularly point out in this chapter at this stage of the game. I invite your comments that you might turn in to Kathleen about it. Although maybe on page 64, I might point out the screening of mechanical equipment. And I think we may even want to get a little bit clearer than

what we've stated here. But from our experience in some cases, painting the equipment out to match the background of the building is better than trying to enclose it because the enclosure creates more mass and calls attention to itself.

Step one is, first of all, not to try to put it in a place that's going to be visible at all. And we need to make that clearer. So that lower photo we have, one shouldn't never have gotten into a situation where that was a screening question. Ideally, any of those kinds of mechanical elements would've been put more to the interior of the building. But again, depending on the layout, etc., there may be some issues there. So what we were trying to do here is say that in some cases just painting to match the background of the building may be better than trying to enclose it. Are you comfortable with that thought?

Now getting to signs, the relationship of this to the existing sign guidelines, we're trying to reflect the policies in there to the extent that we can. I guess there's a question of whether we want to literally bring all of that forward into here, or if this is more to talk about general character, and still leave that as a separate intact piece. And I think I want to talk to staff more about that tomorrow, but I want to know if any of you have some specific ideas about that. But you'll see as you look at this one, there are holes in it. We just sort of got to a certain point as far as we could go in this. Certainly, we understand a lot of the questions and issues about signs have more to do with enforcement than actual guidelines.

I guess one question is materials. What we've said here is, is that plastic inappropriate as a sign material. But I believe that actually some of those newer signs may in fact be a kind of molded product that has a painted finish? That is not true? They are wood? Okay, good.

Ms. Duensing: Metal is not preferred either.

Mr. Winter: Metal is not. Okay.

Ms. Duensing: I wonder in this section if we shouldn't just either incorporate the sign design that we have revised because I see room for a lot of mixups if we add this section in it, and it doesn't quite jive with the other one.

Mr. Winter: Well, it might be easier just to simply say for signs – I mean, maybe we don't even need a sign chapter.

Ms. Duensing: Just leave the chapter out, and say that there is a separate chapter on sign design. We just finished all that work on that. We've had them all printed up, right, Simone?

Ms. Bosco: (Inaudible)

Mr. Winter: Okay. That's great. Given our time constraints, if we can simplify, I like it.

Ms. Duensing: Do the rest of the Commissioners concur that we should just refer them to the separate sign design manual? Yeah.

Mr. Winter: Okay, we can look at that closely in the morning.

Mr. Fredericksen: I think there should be something said in there about it, not rehashing it, but you must follow the sign design guidelines, this document. Failure to do so will, blah, blah, blah, blah.

Mr. Winter: Okay.

Ms. Duensing: I think that's the better way to be safe because I'm just glancing at this and some of the things are contradictory, and it's just going to open a can of worms.

Mr. Winter: Fine. Love it. Done. Okay, in the public improvements, some of this— I guess we're not being quite consistent the way we've organized things here. But I think basically what we've tried to talk here about is the sidewalk paving to stay concrete, and not get decorative, etc. Keep the sidewalk simple.

The other thing, though, this is where we maybe took a hard line that is harder than people are comfortable with is on page 74, plazas and courtyards. The kiosks, we heard people saying these are getting out of hand, and they're showing up every place. And not only the design character of them, but just the number and placement of them. So here's our suggestion is if you look at the lower right-hand photograph, as I watched this series of kiosks that evening, they come right up to the sidewalk edge so that the sidewalk becomes the area that the shoppers stand in to look at the products or talk to those people. So then the pedestrians are forced out into the street and into the traffic. So it's creating a hazardous condition. And so what we've suggested here is that they have to be set back behind the street wall ten feet to provide area for people to stand and gather to look at them. And it does not impede on the public sidewalk. And that there needs to be sort of a ten-foot clear ring around the each kiosk which would limit the number of them you could stick into a courtyard. Now this may be a big issue for the business community. And so I want some feedback before we go any farther with this one.

Mr. Fredericksen: What's happened so far with staff? Because I know where this photo is taken. Is anything being done about it? Or there's no tool, as it were, to do anything about it? Any thoughts?

Mr. Winter: Can you regulate those? Because I think part of it is a safety issue and part of it is a visual clutter. They're impeding your ability to seek the historic character of the district. And that's something that we heard from the business community was they recognized that the historic character is the thing that distinguishes Lahaina from their competitors. And while I understand the need for these kiosks, I think they're overwhelming the character of the area, and really turning it into that Disneyland kind of feel.

Ms. Duensing: I think most of us would agree. We spoke out strongly against how many of these things now? And they're not historic to begin with.

Mr. Winter: So what we've suggested here is we're not going to say no, you can't, but try to tame them. Put the limits on them so that they're not the dominant element in the plazas and courtyards.

Mr. Fredericksen: It's in a Historic District. If somebody wants to come in, they need to understand when they come in that this is not allowed. This is where activities are not allowed. And I don't know if it's possible to insert something like that in these guidelines. I don't think it is, but it's something that I think needs to happen even if it is a problem.

Mr. Winter: So this is one to discuss certainly with staff tomorrow and with counsel to see if we're even in bounds of what we can put into the guidelines, or whether or not you would think they'd be helpful. And then also to hear from the business community in terms of will we have a huge uproar if we do this.

Ms. Duensing: Do we have any public comment on this at this time? Do you want to take an opportunity to speak on it with the microphone, please?

Ms. Donna Soares: Hi, my name is Donna Soares. I think I know most of you. Just looking at this for the first time because I was in some of these pre-meetings, and I think the biggest thing here is the setback because even, for example, where you're talking about referring to even furnishings, this is over and beyond the kiosks. I'm just looking at a note here. This is the first time I've seen this document, by the way. But it says, "Furnishings such as hanging racks that are located in the storefront should be set back three feet from the entrance." Now, I think you're going to get a few screams there. I don't like the clothes and everything else hanging along the storefronts either. I'm totally opposed to that. However, three feet into a store that somebody is paying \$15, and \$18, and \$20 a square foot for, all of a sudden, the first three feet you're selling carpet. So I think you're going to get a lot of feedback there.

The other thing is on the carts, once again you're talking about a ten-foot setback from a public sidewalk. I think that's a little much. That would be my feeling on that.

Mr. Fredericksen: Excuse me. So what are your thoughts about—? What's the solution? Do you have a solution? I know it's a tough situation. But any thoughts about it? Because you said ten feet is too much.

Ms. Soares: I think the concept about setting it back is important from a safety standpoint because it does force people particularly, as you get down into the 800 block, it basically forces people into a roadway or into a sidewalk. So I think some form of setback is necessary. But for example, if you have say, a smoothies cart or something of that nature, you don't need ten feet to line up people because that's not what's going to happen. We wish it would, but that's not the case. Maybe it's two feet. Maybe it's three feet. But I think a ten-foot setback is a little unreasonable.

The other issue, like I say, asking people to set back any clothing racks or merchandise displays three feet – and that might not be the intent, but that's what it sounded like. Just looking at the photo I think is again a little unreasonable.

Ms. Duensing: What if the language, Mrs. Soares, was something to the effect that for instance, the clothing rack shall not extend from outside of the building? You can display them in your front door as they are here, but it's got to be inside so that it doesn't hang out over the sidewalk.

Ms. Loudermilk: Technically, it's not supposed to be over a public sidewalk.

Ms. Duensing: Right, right. And again, the whole problem with this is you can make the rules, but if the County doesn't enforce it, it's useless. Because that's what it's going to come down to. We say you have to keep your merchandise within the confines of your building in whatever language, but if the County doesn't enforce it, we're still going to have that. And I agree with you. It's ugly.

Mr. Winter: So then in terms of the carts, we might define a less radical minimum clearance, and maybe a recommended or encouraged clearance of ten feet, but a minimum of three or something like that, or five, but to make the point that you need to set it in so you're not using the public right-of-way as a part of your business.

Ms. Loudermilk: (Inaudible) If they came in today, Public Works wouldn't allow you to build it. You'd have to get a variance and so forth. (Inaudible)

Mr. Winter: Okay, well, it sounds like that you think this is something that merits working on. And we can work with staff tomorrow on the details so that it's not too radical. But the idea based in terms of safety and perception of the character of the district, we should have some guidance of how to deal with the kiosk and with the product display. And maybe that's the matter of underscoring the existing regulations about product display. But I can certainly tell you from one person's experience last time of really

going up and down the street, and then in evening, and looking at all of it, I couldn't see the historic architecture. I was so overwhelmed with all of the stuff. And I understand the need to sell things, but there's a point in which that even though it's temporary, it effectively competes. And if I'm a visitor in Lahaina for one day or two days, then my trip to Hawai'i, that's the way I see it. I'm not going to see historic Lahaina.

Ms. Duensing: And you need to mention that in your text that these are obscuring the historic architecture. And I think as far as working it out with staff, we've been through this in our meetings, and I think we're all on the same page with that. And it can be worked out a little bit less radically, but it needs to be done and enforced. Mr. Freeland has something to say.

Mr. Keoki Freeland: Keoki Freeland, Lahaina Restoration Foundation. Just a suggestion, trying to put a measurement is very difficult. But the way I see it, like if somebody is trying to sell out of their window, and then the customer is using the public walkway to do a purchase, that's not appropriate to me. So whatever it is, the kiosk, or whatever is there is somehow appears to be doing something like that where it's utilizing the public sidewalk for people to check out the items or purchase things, then I don't know how you say it, but that shouldn't be appropriate.

The other thing is like what you mentioned. If the merchandise is being displayed in such a way that it's blocking the architecture of the building, then that shouldn't be permitted as well.

Just try to keep it simple. Black and white. But trying to put some footage on it, I think that's kind of difficult. I don't know if I really helped on my suggestion, but—

Mr. Moto: Madame Chair, if I may make a comment on the drafting? For page 74, instead of using terms like "kiosk" or "vendor carts," there are references to temporary or permanent accessory structures. While that may be fine and technically accurate, maybe put in a parenthetical that says "such as" or "including kiosks and vendor carts" so that everyone knows clearly what we're talking about.

Ms. Soares: One of the other things that I just noticed in going through this, and again this is on page 74, it says that these shelters should be removed on a daily basis. And these are carts, so where do you store them? Where do you move them to? So that just kind of – might create some kind of a hardship.

Mr. Winter: Yes, is that a practical thing to say that they need to be removable?

Ms. Loudermilk: They may be illegal in the first place.

Mr. Winter: Okay, let's drop that. Julie, in my office, was really feeling that strongly

about it. She was so upset about that, and I didn't think that one was going to fly. So we'll deal with that.

Okay, guidelines for new construction, these talk about basic mass and scale, and form of buildings, materials. I think this is all pretty straightforward. I don't think I have any big issues in this chapter to draw your attention to. There's a little bit more about those kiosks and accessory structures on page 79, so we will look at integrating that with the previous piece and discussing that. This is where it talks more about the architectural character of those kiosks keeping them simple in form and not getting really complex.

Then moving on to site features. This has to do with landscaping of parking lots, and we need to correlate a little bit more clearly with other regulations. But what we've introduced here is the idea that you should try to – not to demolish another house to create a parking lot, but to create parking around the house, but keep the house as a part of the character of the context is the main point here I would say. And then the other rest of it I would say are details that we'll discuss with staff.

Guidelines for color, this one again is one where the color guidance given in the sign guidelines book – and I don't think we want to go very far, and maybe we don't even want to include this chapter, but we were trying to provide a little bit more clarity than exists there. And at one point we were talking about trying to even do a color palette and chart. I don't think we have the time or budget to do that right now. But what we did try to do is start talking a little bit about the appropriate finishes under Guideline 1(B) for different kinds of material, that masonry should be kept natural, wood should be painted or stained, not varnished, and those sorts of things. Sort of kind of basic finishing and then some general guidance about limiting the number of colors. But I don't know and maybe we just need to spend more time with staff on this one tomorrow.

Ms. Duensing: I think we do need to address this for several reasons is it has come up before: discrepancies and colors. If we could do some kind of a palette that's not too restrictive it would be good. And the other reason why it is really important to do it is by minimizing this section, we might wind up with something like Pa`ia. And I don't know if you've driven through there, but they have all the colors under the rainbow, and it's quite hideous, and not very elegant or authentic.

Mr. Winter: Then the next one has to do with lighting. And here again we were – I'm looking for a little bit of clearer direction. We took a couple of strong stands in here that may or may not be appropriate. I recognize that lighting is very important here from a retailing standpoint. We were having a discussion earlier that it's also a very important security question, having sufficient lighting. But this is along building fronts, and under canopies where in some cases there is a lot of exposed lighting under some of those canopies. And so we've taken kind of a strong stand here about limiting the amount of lighting on the street. And this may be too strong, and maybe mostly we need to look at

it with staff, but I don't know if you all have any comments.

Ms. Duensing: Yeah, I think it needs to be addressed. And again, when you're looking at it, I'm sure staff knows this is that it's been addressed in the sign design guidelines as well. So again, we don't want to contradict what we've already done. Yeah, we were looking for ways to minimize it in that document.

Ms. Loudermilk: In addition to lighting in the sign design guidelines, Council was contemplating an outdoor lighting bill. And we can find out the status of that because a lot of that was to minimize light pollution.

Ms. Duensing: And that was mentioned last time when we spoke. That was one of the points we made.

Ms. Loudermilk: So we'll double check to see where they are with that because they had a large subcommittee representing a wide variety of interests, and did make a lot of good recommendations. And a lot of them were compromised recommendations with the intent being that the light be shielded down versus out. But in the instance of under the canopies and so forth, I'm not too sure how that ordinance may or may not address that particular component.

Ms. Suyama: I just have one thing to be clarified about the lighting standards in here. There is on page 90 on the top, item four, "The use of canopy, awning or porch lights to illuminate the public sidewalk on Front Street is inappropriate." And by definition that means not permissible.

Mr. Winter: That was Julie again.

Ms. Suyama: Yeah, I just wanted to know if the Commission supports that.

Ms. Duensing: We would say that the use of that many lights as in the picture is inappropriate, but you need something unless you're going to give everybody a flashlight when they walk through town.

So I guess we've been through the whole thing. I have one additional point I'd like to make and that again gets back to handicapped accessibility or whatever the term is now. I don't know if that's politically correct anymore. But this has been a substantial item on several buildings in Lahaina in the last couple years with the Secretary of the Interior's guidelines saying it should not be done on the main facade, and people getting taken to court, and everything else. And we need strong language regarding disabled access what the Secretary of the Interior's standards are so that business owners can put it on the side of the building without fearing a lawsuit because the Federal government has said this is the way it's supposed to be done. And I think even an

appropriate appendix might be the Secretary of the Interior's little resource booklet.

Mr. Winter: The preservation brief?

Ms. Duensing: Yeah, put the preservation brief in the back as an appendix because it really bothers me when a business owner comes in, and says, oh, I don't want to be sued, yet the Federal government has made provisions whereby historic buildings are treated in this manner.

Mr. Winter: I think we should reference them and reference the website. I think it was Lon making the point or maybe it was counsel, but is it going to be around for a while? Those briefs do get updated. So I think we shouldn't reproduce it in here.

Ms. Duensing: The only thing I don't like about that is I've even downloaded them off of the web and made copies of my own preservation brief and it's just not—

Mr. Winter: It doesn't feel real?

Ms. Duensing: Yeah, it doesn't seem like it's official, or they don't believe me, or I don't know what it is. And in the meantime, certain lawsuits get going to court, and they lose, and then we lose steps at other stores because they don't put it in on the side when there's access there. It's an irritating problem if you want to uphold the Secretary of the Interior standards because it's not being done in Maui County.

Ms. Loudermilk: I'd like to add to that. And maybe this is a question for Brian is that if we do put that in as part of the appendix, and it does get adopted by ordinance, would that be County policy? What does that do? And that's in general for all these other documents that we want to reference.

Mr. Moto: Madame Chair, a difficulty that's already been discussed is if you incorporate a copy of the statute, you in effect freeze it in time, and there may be subsequent changes to it. An alternative would be to simply reference it. I mean, it's unlikely that it'll ever be repealed in its entirety. And summarize it in some way to emphasize its importance and relevance without necessarily regurgitating it verbatim.

Mr. Fredericksen: Could the County Planning Department have the most recent briefs on file, and hand those out to folks that need them?

Ms. Loudermilk: That would be appropriate. That would be our role.

Ms. Duensing: I made that suggestion earlier that we have a whole compilation of the preservation briefs. And I guess if we're going to just summarize it, to make a strong statement that says the Secretary of the Interior has approved these methods for the

preservation of historic buildings so that building owners have some reasonable assurance that we're not telling them to do this, and then the dumb judge doesn't hear about the law, and makes the building owner pay the fines, and that's not fair. Because I'll bet when that case went to court, the building owners didn't go in, and say, but we did this according to the Secretary of the Interior's guidelines.

Mr. Winter: Okay, well, I took more time than I planned on, but thank you. This is very, very helpful.

Mr. Moto: Madame Chair, I do have a couple of comments. This shouldn't take too long. Very quickly, on page IV, page 4, way up at the front, that matrix, the box, that checkmarked boxes, the chart, the page is entitled "Which Chapters Apply To Your Project?" And I'd recommend, Madame Chair, that the guidelines include a disclaimer at this point.

Let me step back a little bit and say that having been a lawyer with the government for quite some time, you learn a number of lessons. Number one is that private parties will always read and interpret laws, rules, ordinances to their maximum advantage. That's their nature. That's to be expected. So that means that any ambiguity they will interpret in their favor.

Secondly, the second point is that eventually, we're all going to be dead, but this law and these guidelines are going to still survive. So I think in terms of imagine the collective knowledge in this room disappears which it eventually will. No one will be here in 30 years probably, at least doing this stuff, therefore, it's important – although this document may very well last as long or longer. So that's why certain things is important as much as possible to avoid ambiguity so that future generations don't look at this document and say, "I wonder what they meant by this." And for example – I'll point out one example – on page 79. It's the use of photographs. And I know this has already been discussed, but for example, the caption to that photograph says, "In general, accessory structures should be unobtrusive and not compete visually with the primary building on site." Okay, so you look at that photograph, and again, a future generation might look at that photograph, and say, "I wonder if they were talking about the planter that's around the tree, or are they talking about the kiosk?" Or is the reason why they had this photograph in there is because of that Joslin construction sign that's over there?" And secondly, "Are they saying that that kiosk that's there, is that a good example or is that a bad example? I don't know what they mean?" So this is why the examples may be clear to you, but they may not be clear to somebody else.

And going back to page 4, "Which Chapters Apply To Your Chapter?," I'd like to suggest a disclaimer that would say something like this – because it says, "Use the chart below to determine which chapters of this book you should use in planning your project." But I would also say:

This chart is provided for convenience and illustrative purposes only. The requirements that are applicable to any particular project will depend upon the facts and circumstances. All people are encouraged to be familiar with all aspects of these guidelines.

So that it's clear so that no one comes to you, and says, "Well, I fall under this category. And you see, I only have to do these boxes because that's what it says right here."

Mr. Winter: That's a wonderful point. Will you write that sentence for me?

Mr. Moto: All right. Sure.

Mr. Winter: Because it sounds like you've got it.

Ms. Duensing: Well, I'm assuming that Corp. Counsel is going to go over most of the language in this document before it goes to the County Council for passage, right?

Mr. Moto: Yes.

Ms. Duensing: Okay. All right, do we have any other comments on this? Mr. Freeland? And then let's wrap it up so we can finish up our agenda.

Mr. Freeland: Keoki Freeland again. Barbara Long asked me to – for you folks to consider making some recommendations relative to security stuff. For instance, if you need gates or rolled down secured doorways, how could they be put in and still incorporate – not harm the historical integrity of the building because security is a prime concern. But she's also very concerned about not hurting the historical integrity of the building as well. So we'd like some advice on that.

I'd like to comment that I really appreciate what Nore has done. He's done a hell of a lot of work in a very short period of time. And I'm sure there's still some more things to be straightened out, but he's to be commended for the work that he's done.

I'd like to point out on page 3, the colored map there, the Seaman's Hospital needs to be colored. It's at the bottom of the page. It's the small little crosshatched block. And that's about it.

Ms. Duensing: Okay. Thank you. And thank you for coming today so we could get input from you. Simone, quickly, please?

Ms. Bosco: I just have one comment. I'm wondering if there needs to be some discussion on the landmark area, the entire – the larger region which there's no design

issue, is the comment. Because the Landmark boundary is on the National Register and needs to be protected. And I'm wondering if there's some overlap here between the design guidelines' efforts to preserve what's within the landmark boundary if there needs to be anything in these guidelines referencing that. No? It's just a question.

Ms. Duensing: Two points. I think that is a noticeable omission in this document. We should say that our Historic Districts for which these guidelines are written are in a National Historic Landmark District, and a brief explanation of what that is, because I'll bet you 98% of the people that live in and works in it don't know. But I don't know about addressing preservation issues outside the district because this— Or did I misunderstand?

Ms. Bosco: Yeah, I guess, obviously is within the Historic District One and Two so it would apply. And I know what's beyond Historic District One and Two these design guidelines aren't intended for, but there is some overlap there for the areas that are within Historic District One and Two. So I'm wondering about that. There's an obvious relationship because the boundary is larger. I mean, if there is a project that comes and it's outside of Historic District One and Two and needs protection because it's a historic structure then—

Ms. Duensing: Well, we've discussed this earlier with those Front Street homes. I think we brought that to the attention of planners and to Mr. Winter. And without getting an ordinance which enlarges our authority to do anything—

Mr. Winter: Yeah, I think counsel pointed out earlier that we need to stay focus on sort of what our mission and assignment is at the moment, which is to update the guidelines that apply within these two County-designated boundaries. It may be that once you see the finished project, you will see that it's applicable elsewhere. And that's a later discussion in terms of if you want to have regulations that talk about that, but duly noted that we should acknowledge that there is a National Historic Landmark boundary.

Mr. Fredericksen: I'd just like to make a quick comment. Down the road, I think there needs to be — because we've already had a couple instances with buildings coming that are in the Landmark District, but outside the Historic Districts One and Two.

Ms. Duensing: But that's why getting rid of Historic Districts One and Two is supposedly going to fix that problem so we shouldn't have another Lahaina Store. But yeah, the Landmark thing is mentioned, but it should really go in the part in the introduction with our Cultural Resources Management Plan, and our objectives and ordinances because that brings the Federal level of designation of this resource into appropriate location in that.

Mr. Winter: It is my understanding that if you're conducting environmental reviews or

something, under other laws in which you're commenting on impacts within the National Historic Landmark, you could draw upon this for guidance and comment, but that's a different form of review than the permitting process you go through for this.

Ms. Duensing: But I think it is important and I know – I, myself, personally, reminds some of these business owners that they're not just in an old building, but they're in a National Historic Landmark area, and it is important. Okay, so can we finish this? Kathleen has one thing.

Ms. Kathleen Aoki: As you requested, we are having a public meeting tonight at seven o'clock at Lahaina Intermediate School. I wasn't sure if you were all aware, but it was posted in Sunday's paper. And I informed Keoki and Theo. And hopefully we'll get a decent turnout from the public.

Ms. Duensing: Good. Thank you. We appreciate that. And we appreciate all your efforts. You have made tremendous progress in a short amount of time. And then if we want to e-mail our comments to you?

Mr. Winter: Yeah, I'd say if you could consolidate them all with Kathleen, she's going to transmit everything to us next Thursday. And thank you all very much. And I'd love to see you in Denver for the preservation conference. If you show up, pupus are on me.

Ms. Duensing: Thank you.

E. UNFINISHED BUSINESS - None

Ms. Duensing: The next item on our agenda is Unfinished Business of which we have none. But I'd like to make one thing – since we have Mr. Moto here, I would like to ask one thing. And I know I have brought this up. But let's have some followup on you had written language to include historic districts in the building permit waiver process. Which ordinance was that? Can you update us on that? I know we've asked you for this before.

Mr. Moto: Sure, Madame Chair. About I think it was about two years ago, this Commission had to deal with a situation, an application dealing with the – I think it had to do with a house that was constructed within the Lahaina Historic District and it was an after-the-fact permit. The work had already been done, but it clearly was not done in accordance with the guidelines. The man came and pled basically hardship and mercy. And when it was asked, when the Commission inquired why did this happen in the first place, one of the things that was pointed out was, oh, well, all of this construction work took place under a plan review waiver, which is an expedited process. It's a shortcut process that bypasses the normal review processes. And so one of the things the Commission recommended was we should – the Commission should propose an

amendment to the County ordinance so as to make it clear that this plan design review process should not apply within the Historic District. All properties should go through the proper review process. And you requested me as your legal counsel to draft a bill to that effect. And in fact I did so. And that was done within a month or two of that meeting, or a couple months. And so that bill – and then I transmitted that bill to the Planning Department. And that was done two years ago. And I just don't know what has happened to it since. And I do know you that you did raise it on a couple of occasions since you inquired where it is. And the last thing I remember, Madame Chair, is that – and this was at the last calendar year just before the change in administration, you asked Clayton Yoshida to follow up on certain outstanding issues that have been left undone from previous months' work. And that's the last thing I know about it. And he said he would get back to you.

Mr. Suzuki: Madame Chair, I will remind Clayton again.

Ms. Duensing: I would appreciate that because this such an important bill and we just don't want to see this happen again. So I'd appreciate having some follow up. And I hope that the new Planning Director will support this revision or amendment to the ordinance, and submit it to the Mayor if that's the next process.

F. DISCUSSION ON PRESERVATION PLANNING - None

G. NEW BUSINESS - None

H. HANA BELT ROAD

- 1. Chair Dawn Duensing providing an update on the State Department of Transportation, Highways Division regarding their Hana Highway Rockfall Mitigation project in the Ke`anae-Wailua Nui area.**
- 2. Cultural Resources Commission requesting follow-up to the January letter to Councilmember Carroll regarding bridge rehabilitation on Hana Belt Road.**
- 3. Discussion of action plan for formulating rural and/or historic road design standards by the State of Department of Transportation**

Ms. Duensing: A follow up on a couple of issues. Number one, the rockfall mitigation project, mile post 19 especially, this is the third time I'm asking for the letter. I got a call from Honolulu, and I don't think it's appropriate that the engineers are calling me at home to find out why the letter has not submitted by the CRC. And I don't know why this is continuing to happen. And I brought this to Mr. Boteilho's attention last month,

and he said, "I will be following up on that."

Ms. Loudermilk: (Inaudible)

Ms. Duensing: Yeah, because I haven't seen anything and I think that was at our June meeting. And they're ready to print the EA now and they don't have anything from us. And when they get— We need to make this official what our comments are regardless of whether they do any good or not. And I hope the Commissioners feel that way. Mr. Urada's doing a good job. He follows up on things, but I'd rather not do so much stuff with him one-on-one personally because this is action we take as a Commission, not action Dawn Duensing the road fan takes as an individual. So it's very important that it is generated from the County.

Mr. Suzuki: So, Madame Chair, the last you heard regarding this letter to the State DOT was that Wayne was going to get back to you to draft a letter regarding this project?

Ms. Duensing: Because in general when we do Hana Highway issues, I ask to see the letters before they come out because I like to review them, and nothing's come by me. And I contacted Scot personally. He said he had received nothing and then yesterday the engineering company called Tremaine. And I called them in Honolulu because she kindly did not give out my home phone number, which I appreciate, and they're still waiting for something.

Mr. Suzuki: Okay. Like Mr. Yoshida, we'll follow up with Mr. Boteilho.

Ms. Loudermilk: (Inaudible)

Ms. Duensing: Yeah, but if somebody would please check up on this because I told him I would personally get back to him in the next couple days, and I'd rather not have that responsibility as an individual.

And then I guess the other continuing important issue on the Hana Belt Road is Wayne was going to get started on this as well on Item three, discussion of an action plan for formulating the rural and/or historic road design standards. Our DOT needs to do this. And, Robyn, maybe you could get a copy of the bill that Representative Morita put in a couple of years ago. If we could get a copy of that, maybe that would give us an indication of where we can start. We can start working with her again as well as our local representatives because she no longer represents the Hana District. But if you could get started on that because I guess she did manage to get it passed by the legislature and then the Governor vetoed it. And I see this as a good opportunity to try it again, get more local support from us, folks on Kua'i, as well as the folks on the Big Island because now we have Governor who comes from Maui who might be more willing to sign this bill. And we desperately need it because now we've got another wall

that's collapsed on the Hana Road, and I'm really afraid that they're just going to put a guard rail up instead of it. And it's a really nice area there on mile post 19 and I don't want to keep losing these little bits and pieces.

So that's my report on the Hana Belt Road unless we have any questions or comments.

I. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS.

Ms. Duensing: I think we did enough on Lahaina or do we have anything on that? Okay, now we have the Director's Report.

J. DIRECTOR'S REPORT

1. 2003-2004 Cultural Resources Commission Workplan

Mr. Suzuki: The 2003 and 2004 workplan, I guess this is a repeating item on the agenda for the Commissioners. And as we go down a lot of the listed items there are just components of that workplan as well.

2. 2003-2005 Certified Local Government Grant Budget

a. Discussion regarding attendance to the National Trust Conference in Denver.

Mr. Suzuki: Just moving on to number two, we have a CLG grant budget and discussion regarding attendance to the National Trust Conference in Denver. Nore was nice enough to hand out some brochures to the Commissioners earlier this morning. And based on this CRC workplan, and our CLG funds this year, the department can send two Commission members to this conference. Nore did pass out this informational brochure, but I have three copies of the entire packet.

Ms. Duensing: We already got this in the mail too, Daren, because I provided a copy to the Planning Department, and we all got photo copies of this several months ago.

Mr. Suzuki: Okay. So we were looking at sending the Chair and the Vice-Chair to this conference. If the Chair or the Vice-Chair is not able to make it, then maybe other members may want to attend, but again, we want to send two of the Commissioners.

Mr. Fredericksen: It would be real neat to go but I'm not going to be on the Commission that much longer, and I don't think it would be fair for me to go. So I would like to have someone who's going to be on the Commission serving longer to go in my place.

Mr. Pa: When is this conference?

Ms. Duensing: The conference is in Denver. It's September 30th to October 5th. And they even have the historic Brown Palace as part of the convention site which is really a beautiful place. So let's decide on who would like to go?

Mr. Pa: I can't make it.

Ms. Duensing: You're sure you don't want to go, Erik?

Mr. Fredericksen: I don't think it's appropriate. My commission expires I think in March is the last meeting. It would be better – I'm just real concerned about the Commission itself. And I would rather have someone who's going to be here for a few more years go to something like that.

Ms. Duensing: And it's been a long time since any of us have gone. I think nobody has gone since we've been on the Commission, right? Yeah. Lori? Lon?

Mr. Whelchel: I don't think I can go. I can check my time.

Ms. Duensing: We don't have a whole lot of time here, though, because it is at the end of the month. And I talked to Kimo about this and I know he said that a lot of these workshops fill up quite quickly too. So if we're going to send members, we should probably decide today and get it done. I would be happy to go, yeah. There's a historic structure assessment workshop I'd like to participate in.

Mr. Suzuki: If none of the Commissioners can make it, I'm sure somebody from staff would probably jump at the chance.

Ms. Duensing: Lori, is there any way you can make it? Can we give a couple days for Lori to see if that fits into her schedule?

Mr. Suzuki: Yeah, we'll give her a couple days.

Ms. Duensing: So call Tremaine. Okay.

Mr. Pa: Talk about conferences, what's the status for our conference in October 7, 8, 9?

Mr. Suzuki: The Hawaii Congress of Planning Officials is on October 8, 9, and 10.

Mr. Pa: So we're all set on that?

Mr. Suzuki: We're set. So Madame Chair, I will inform the Director or Mr. Boteilho that

you're interested in attending, and Lori will get back with Tremaine in a couple of days.

Ms. Duensing: Right.

3. Cultural Resources Commission Meetings in other locations - Lahaina, Moloka`i, Hana, etc.

Mr. Suzuki: Cultural Resources Commission meetings in other locations, I'm not sure what this is. I think on our trek to Lana`i later this afternoon, it kind of falls under the same thing.

Ms. Duensing: Yes, it falls under this category, yes.

4. Special Meetings on Lana`i - September 4-5, 2003

Mr. Suzuki: Okay, special meeting on Lana`i, we'll be going over to Lana`i as you all know on the ferry. And we'll be conducting a meeting at seven o'clock. And I think that meeting is generally just to talk about cultural resources on Lana`i.

On September 5th, that's a Friday, we'll be reconvening in the lobby of the hotel at nine o'clock. And Representative Kaho`ohalahala will be joining us, and guiding us through various historical sites and places on the island.

Later that afternoon at about one o'clock, we'll be convening at the Lana`i Library. And Tonia Moy from the State Historic Preservation Division will be addressing the Commission as well.

Ms. Duensing: Is that going to be recorded with transcripts, the workshop by Tonia?

Mr. Suzuki: Yes.

Ms. Duensing: Good because I would like those transcripts to be made available to all of our planners because I'm sure everybody has a lot to learn from that workshop. And so we should all have the transcripts so that if we miss it, we can get some good advice from her.

Mr. Suzuki: She'll be speaking about preservation relating to the Secretary of the Interior's guidelines

Mr. Fredericksen: Yeah, because I'm not going to be able to attend that. I'm going to have to leave because I have to get back, so I definitely would like to have a transcript of that presentation that she gives.

Mr. Suzuki: Okay.

Ms. Sablas: Daren, how was the public notified of the meeting tonight on Lana`i?

Mr. Suzuki: We'll start off with the agenda being posted seven days prior to the meeting date.

Ms. Sablas: And where is it posted? One location or at several locations on the island?

Mr. Suzuki: It is posted in the County building. It's also posted on our website.

Ms. Duensing: But there was no public press release?

Ms. Tremaine Balberdi: Yes, there was. Along with the public notice of tonight's meeting in Lahaina, there was also notice in the paper about Lana`i's meetings as well.

Ms. Duensing: Okay, good, because we did request that. I don't know how they get the word around Lana`i.

Ms. Sablas: Sol, did you see any notice of the meeting on Lana`i for tonight? I just want to kind of feel comfortable that we rarely go to Lana`i that people know that we're coming, and it's not like, "Oh, I didn't know you guys were coming."

Ms. Loudermilk: We saw Ron McOmber this morning from Lana`i to make him aware of that also.

5. Cultural Resources Commission Correspondence

Mr. Suzuki: Cultural Resources Commission correspondence, I don't think there were any letters in there, in your packet.

6. Correspondence received from the State Historic Preservation Division

Mr. Suzuki: Correspondence received from the State Historic Preservation Division, there was a whole bunch.

Ms. Duensing: That packet had more than 45 pages back and front of stuff. And did that go to every Commission member? Is there a better way we can do that? That's a lot of reams of paper. And as a taxpayer, we pay postage. We pay for the envelope. We pay for all that paper, plus the poor County clerks that have to stand there at the copier. Is there perhaps a better way to do that like listing the letters, or making one

available that the Chair or the Vice-Chair could look at, and we could have it at meetings, and we could all just glance at it instead of sending out a pound of paper every month? I think it's a bit excessive.

Mr. Suzuki: We can take a look at it, and see what the options we have to kind of cut down on the paper.

Ms. Duensing: It's important that we all know but a lot of this is like, you know, the airport has five square feet of an archaeological inventory survey. And most of them are form letters so it's kind of repetitious.

Mr. Suzuki: Didn't the Commission request for this information?

Ms. Duensing: We've always gotten it and it just seems like the volume is getting bigger and bigger.

Mr. Suzuki: And this stack is two weeks' compilation of letters?

Ms. Duensing: This month it was a lot. Last month it was a really big, thick pile too. And it's a waste of resources.

Ms. Suyama: (Inaudible)

Ms. Duensing: Yeah, if we can just list them. And if the Commission would like to see the letter, we could request that Tremaine get a copy to us. Because another thing that we're getting a lot of that's probably in my book not necessary is all the copies of letters going to the merchants regarding the signs.

Mr. Suzuki: So you're looking at instead of having the individual letters, possibly a report listing the applicant, a description of what it was, and the date it was sent out or something?

Ms. Duensing: Yeah. I mean, there's some certain letters that are important like the Front Street store or the Belt Road, you know, certain items. But for the day-to-day kind of boring everyday work, we're kind of trusting that the staff, good as they are, are doing their job. And if we could just have a list of what's happened in the last month, we could review it. And if we wanted to see the correspondence, ask our clerk for it maybe to cut down on the amount of work she has, as well as postage and paper. Just something to think about.

Mr. Suzuki: Okay. Thank you.

7. Administrative Permit Reports

- a. **Demolition Permits - None**
- b. **Historic District Approvals Report**

Mr. Suzuki: Down to administrative reports, no demolition permits, and the Historic District approvals report was attached with one application.

Ms. Duensing: Yes, there was. We got that. That was the spread sheet thing, right? Yeah.

Mr. Suzuki: With that, Madame Chair, that concludes the Director's report.

Ms. Duensing: Okay, I have one other thing I would like to say. I would like to thank staff for coming all the way out here. Thank you, Daren, for helping us out today. And I want to take the time to thank Tremaine because I know that she really worked hard to get all these offsite meetings, and hotel rooms, and everything arranged. She's just a wonderful asset to this Commission all the time. Thank you, Tremaine.

K. NEXT MEETING DATE: OCTOBER 2, 2003

L. ADJOURNMENT

There being no further business to come before the Commission, the meeting adjourned at 1:52 p.m.

Respectfully submitted by,

TREMAINE K. BALBERDI
Commission Support Clerk

RECORD OF ATTENDANCE

Members Present:

Dawn Duensing, Chair
Erik Fredericksen, Vice-Chair
Lori Sablas
Solomon Kaopuiki
Milton Pa
Lon Whelchel
J. Ke`eaumoku Kapu

Members Excused:

Ku`ulei Haina
Lisa Rotunno-Hazuka

Others:

Daren Suzuki, Planning Department
Colleen Suyama, Planning Department
Robyn Loudermilk, Planning Department
Simone Bosco, Planning Department
Kathleen Aoki, Planning Department
Brian Moto, Corporation Counsel