

**CULTURAL RESOURCES COMMISSION
REGULAR MEETING
AUGUST 4, 2005**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Samuel Kalalau, III, at 9:05 a.m., Thursday, August 4, 2005, Planning Department Conference Room, Kalana Pakui Building, 250 South High Street, Wailuku, Maui, Hawaii.

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

Mr. Samuel Kalalau: Good morning, everybody. Welcome to the Cultural Resources Commission meeting. We're going to start of our meeting right now. Okay, will this meeting please come to order. This morning we're going to have a presentation -- presentation and workshop by Tonia Moy.

Ms. Tonia Moy: Can I start?

Mr. Stanley Solamillo: Just begin.

**B. PRESENTATION AND WORKSHOP WITH TONIA MOY, FUNG & ASSOCIATES,
RELATING TO SECRETARY OF THE INTERIOR GUIDELINES.**

Ms. Moy: Okay, I guess I was asked to do this little presentation on the Secretary of the Interior Standards for Rehabilitation. This is just a really brief -- going to be a really brief overview. I left copies, a summary copy of the -- there's basically ten standards, but this is what like every historic preservation office will use as their basis for reviewing projects. So I guess before Dawn Duensing left, she thought it was important that sort of everybody get a feeling for what these standards are so that when you're reviewing a project, you sort of know if it's following the standards or not.

This is -- mainly applies to buildings and it was mainly created for -- it was mainly created for tax credit projects because, I don't know if you folks know or not, but then historic buildings can get 20 percent tax credit if they rehabilitate following the Secretary of the Interior Standards. So this was made for that and it's defined, I mean there's different levels of how you treat a building and rehabilitation is just one. This is like sort of the adaptive reuse policy, like when you have a building that you wanna keep but it no -- like say these mansions that exist, the old Baldwin mansions that exist. The ones that like that's the hale -- what is called now? The nui -- yeah, something like that where no longer are there people who can afford those big mansions so they become a different use. So that's what this was created for. That's what the whole standards were created for, and I'm

not gonna read everything to you but, basically, it's adaptive reuse. It's making a historic property usable for today's standards, and that means like a lot of times you have to bring it up to codes and all that, all those other issues that come with it.

So these are just the standards, there's ten of them, and the first one is using a property for its historic use, which is the preferred way, right? But like a lot of time you can't, like Iolani Palace, it can't be a palace anymore, right? So you have to find a new use that requires minimal -- you wanna change it as minimal as possible. You don't want like when it was the State Office Building, you know, it was changed dramatically on the inside, and so a lot of people felt that for a building as important as this to Hawaii's history, that it shouldn't be an office building anymore and so, therefore, it became a museum which has, you know, which we actually restored it back to what it used to be.

And so one of the important key words, I guess, that a lot of people use is "defining characteristics." So what -- what, as a reviewer, what somebody who reviews a project needs to do is look and see what makes the building or site -- what gives it its character and that's the things that you'll wanna try and keep. Like these are pictures of the old YMCA Building in Honolulu and it became a State Office Building but they kept a lot of their important features in the main lobby area and the entrance, but in the back area, you know, they kept the windows but they have your standard little partitions there, so that became a totally new use. Oh, these are more pictures of the character defining features, such as the tile, the flooring, the little detail border on the top. Okay, here's another example, so I'm just going to show you illustrations cause when you just read the guidelines, I know it's very difficult to understand how you follow them, so this is the old -- this is the old brewery building, I don't know if you guys are familiar with it, it's in Honolulu also. This is before the restoration or rehabilitation. This is the inside, which, as you can see, there weren't too many character defining features left. And then so this is the, well, not quite after but so they kept the outside really intact because that's where had all the character and inside, actually, except for the brick walls, was really a new building, it became a new building on the inside. They also had a lot of structural issues they had to do but, you know, this is all part of -- this all meets the standards, I know it doesn't look like it's a old brewery on the inside, but it still meets the standards because, you know, they had to make it into an office.

And then this is the second standard, which is retain and preserve historic character. So you avoid removal of historic materials or alteration of important features and spaces, which goes back to identifying what gives the building its character and what you should keep. So this is an example on the Mainland, this was a warehouse building, and so there's -- really the thing that gives its character is the rhythm of the columns and the beams and kind of a open space, so they made it into a shopping center, which is a totally different use, but they kept the rhythm; they kept the open beams; they didn't put a drop ceiling in; they fit everything within those beams instead of cutting it all open. So part of this second one is to look for the character defining features, like this one is this column,

you know, the top of the column, and so, in this case, what they did was they actually had to cut around the column to keep it rather than just covering it up or just cutting it off putting a straight wall next to it. So sometimes it does take a little more effort and a little thought and cost to do it, following the standards, which is why they get the 20 percent tax credit so -- oh, here's another, just a simple house, it was a open lanai before, and so they enclosed it, I mean, you know, part of the standards is not so people -- so people can use their property the way they want to, the way they need to, and so, in this case, it was just screening in the lanai rather than putting in walls and, you know, like standard windows; they screened it, kept it very -- it still has that very open feeling of a lanai.

Okay, this is just an example, this is on Hickam Air Force where you have two different -- the same building but they treated it different and you can see sort of what a difference it makes. The one on the left, they totally covered up the glazing, the glass, see on the right, it's all glass, you can see right through it, and then they covered up even the words, the signage is sort of character defining in these big hangers too and they covered it up, so you can just see what a difference it makes, just little details.

Oh here's another one, this is in downtown Honolulu, that's what the building looked like before, and after, and so you can see that by putting on this cladding and stuff, it just totally changed the character of the building. It's a bad example.

And then the third one is, and this one is a little harder for a lot of people to get, but it's recognize each property as a physical record of its time, place, and use. Do not undertake changes that create a false sense of historical development. And this is the one, I think, Secretary of Interior Standards that a lot of people misread or they don't, you know, or if they don't know the standard, they kind of just assume that it's okay, like here's a top and bottom of a building, right, and most people, a lot people assume, oh, it's okay because it's old, everything that's old matches, but you have to think of what period it's from, you know, and what the material -- and here's another one, they put sort of like a western store front bottom on a more classical kind of a building, so you get a -- so to think of the style that the building is and just because it's old doesn't mean it's gonna match. And just another example of somebody putting some brick veneer, and then the windows are different, but that's one that's very popularly misread, and sometimes you don't even know that it's not the right -- and that's part of the Secretary of Interior Standards, you're not trying to fool the public into thinking it's historic, you shouldn't try and fool the public. If you're adding something, you shouldn't make it almost -- like this one is -- actually the problem with this one is it's a varied kind of art nouveau type of a entrance in a kind of a classic building. And this is another one in -- and, you know, I forgot to mention this one thing is the Secretary of Interior Standards and anytime reviewing historic preservation projects it almost always falls into a gray area, and so people are going to have different opinions of what matches and what doesn't, and I put up this slide on the right because, you know, it sort of meets the Secretary of Interior Standards, it's in Chinatown, and it's using brick and

it's kinda keeping the same rhythm but, you know, for me, my opinion of it is is that the bay windows and stuff just do not belong in Chinatown; that's something that goes in San Francisco or some place, you know, that -- and that's my opinion.

Ms. Lisa Rotunno-Hazuka: That would be acceptable?

Ms. Moy: Yeah, it went through so -- but, you know, and it's just, like I said, it's a kind of an opinion thing so sometimes it's going to fall into this gray area and they'll -- the people will argue so what you try and do is like, what we would try and do is if it's something that's going to be controversial, we try and get more opinions because that's the safest.

Ms. Rotunno-Hazuka: So like how would -- how would a bay window be reminiscent of that era?

Ms. Moy: Which is -- well, in Chinatown, which is what I didn't think so which is why my personal opinion was it didn't match Chinatown.

Ms. Rotunno-Hazuka: Okay.

Ms. Moy: That it -- but somebody didn't mind it I guess. Okay, so fourth is retain and preserve changes that have acquired significance in their own right. And here's another one that, you know, we've had problems with when I was at the State Historic Preservation Office. This is a example on the Mainland and, you know, it -- you can tell the building above is older, it's maybe 19 -- early 1900's, and then here's this art deco addition, which was put on maybe in the '30's or something like that, but, you know, like the philosophy behind the Secretary of Interior Standards is it's there, it's also historic even if it's different from the original, because it's historic, you really should keep it, you shouldn't take away, and that was one of our main things with, let's see if I -- if that's the next slide, yeah, with Hawaii Theater. When we did Hawaii Theater, they wanted to remove the awning and the neon lights because that was a later addition, that was put on maybe 20 years after it was originally built but, you know, our argument was, you know, Secretary of Interior Standards, it meets criteria in itself so it should be kept the way it is instead of going back to they had like more of a classical -- a little awning thing because it was a regular theater, and not a movie theater at first, and then it became a movie theater, but most people remember it as a movie theater, so, you know, our, the State's position was to keep the newer awning; of course they redid it, but it sort of look like it. And then -- and this is another picture of where the -- this is Board of Water Supply in Honolulu, and the building on the left is a new addition but it kinda meets the criteria and, in itself, it's historic, so -- and as a matter of fact, you know, for me, it's a nicer building then the older building but --

Ms. Rotunno-Hazuka: So what we see on the left?

Ms. Moy: Left is a '50's building.

Ms. Rotunno-Hazuka: And the one we're looking at the one in the background there?

Ms. Moy: Is a '20's building, yeah, so that's another one we would try and make sure they maintain the new part. And the fifth one is preserve distinctive features, finishes, and construction techniques or examples of craftsmanship, so that's sort of a straightforward one. You know like sometimes they have to put in new fire rated walls, or something like that, and so one of that -- so this brings up the point of instead of just destroying that little window nook, you know, they put in a blank in the back, left the column there so that it could still read, you know, it still reads that it was once upon a time a window, but it meets the current code say, and so this one too, you, the ceiling the gorgeous thing in this building, the ceiling and the column, so rather than just close it all up and put buildings on the top, they, you know, just made all offices, made a second -- they could have made a second floor there, and they actually could have kept the ceiling and kept the second floor but, you know, part of it is this nice open space and it's such a dramatic ceiling that to see it from eight feet away, would have taken a lot away, so they made it more like a mezzanine and they -- so they kept some space, they had to give up some floor space, but they kept this, you know, a much more spacious entry.

Okay, well, this is just some other samples of -- this was a tax act project so part of the building actually is off, as you can see the original building had two roofs, after Iniki it was falling apart on one side so they kept one, but it met the criteria for the tax, you know, tax office, and so, you know, just an example that you can have some pretty significant changes, a lot of times to meet your needs or the owner's needs, but everything is looked at one at a time.

And now this is the sixth standard that contractors hate, no, but it's the one that's repair rather than replace deteriorated historic features, and if it does have to be replaced because it's deteriorated too far, then the new one should match the old in color, design, texture, and, if possible, materials. Now days, there's so many new materials that's often not the case, especially when there's wood. So this is like, you know, instead of just taking out the whole window, in other words, you know, epoxy it, it doesn't have to be, and this is where a lot of arguments occur cause it doesn't have to be perfect, you know, that it's better to have the original -- actual original material then to replace it totally and have a perfect window. And so this is somebody actually duplicating, I think this is lolani Palace, one of the balusters from lolani Palace, and this is a bracket from lolani Palace also. So this is just a simple house, this is in Ewa Villages, and so this one, rather than, you know, just siding the whole thing or making it double-wall construction, which is what most people kinda do now, they, because it's a historic district, they actually went and replaced board by board if necessary and left whatever they could. And this is, well, part of the same one about replacing if you have to, you should use -- and this goes back to that fooling the

public or fooling the people who are looking at the building, is that to use evidence to replace missing features so you use photographs before, you know, don't just use, I mean a lot of people try to use their imagination but, if you're going to do that, we prefer to see something very simple and even modern rather than trying to fool everybody into thinking that it's historic. Or here's another one, the Haraguchi Rice Mill in Kauai, so this one got actually devastated twice in two hurricanes, but luckily for them they had had what's called HABS drawing so somebody had actually come out and measured it before so they have the evidence to actually reconstruct it, so this is one of the few reconstructed buildings that remain on the register because, you know, it was all done through evidence, and everybody felt bad for them because twice they got knocked down.

The seventh one is avoid treatment such as sandblasting that cause damage to historic materials. So if cleaning is appropriate, use gentlest means possible, which is another one that contractors dislike but, you know, it can be very damaging to an old building. I think I have slides that show when you sandblast, you know, the fine details that are in a lot of these older buildings get ruined. A lot of times with brick, the brick is softer than the mortar, so the brick starts getting eaten away. Let's see if there's a -- is there a close-up, oh, sorry, there wasn't a -- but that one that was just -- that was two buildings, one got sandblasted and the other didn't, so you can kinda see where the damage occurs.

The eighth one is protect and preserve significant archaeological resources affected by a project, so this is -- I think this is on the Big Island. So what they -- what the developers did, and I guess it's a little easier for developers when they have a big land like that, is they built the golf course around the archaeological sources, which I think now in hindsight, a lot of time you kinda go, was that good or bad, you know, they saved it and people can see it now, but I think they're having a lot problems with graffiti, you know, some mischief I guess. And, of course, you know, the standard archaeological clause that if they are disturbed, then mitigation should be undertaken, not just ignored.

The ninth standard is do not destroy historic materials in the process of attaching new addition. So additions are fine, you know, you don't have to lock something in completely as just a little gem, I mean, you know, Iolani Palace, yes, because it's a museum, but most -- if you're going to use it for a modern use, then you know sometimes you have to do addition -- oh, this is a really bad example of something you should not do just jamming something into the building that way, but people do, I mean it's a picture. And this one here is sort of, the one on the right, is plus and minus, I think. They kept the stairway, which I'm sure wasn't meeting some kind of fire code, which is why they put -- had to glass it in and that's -- which I mean it could have been worse, they could have totally gypped it in, of course it's not the best solution either, I don't think, I think they could have done something better.

Ms. Rotunno-Hazuka: What could be the fire code? I mean what -- why would you have to protect the fire -- I mean the staircase?

Ms. Moy: Usually they have to have a fire exit that's -- an exit that's fire rated so that glass, I guess, must be fire -- I'm not sure why they did that, but, yeah, it would have to be tempered glass and -- but, you know, so that you can complete your exit, it has to be rated certain hours depending on the size of the building and the construction. Oh, and this goes back to the not fooling people, the differentiate new work from old, and make compatible with massing, size, scale, and architectural features. Now this one, in the -- I think in the '80's when this all, you know, when the Secretary of the Interiors came out and stuff, people sort of mistook this standard as, oh, you know, like this one, oh, we'll just put this glass wall on the top so it's differentiated. I think, through time, it's evolved a little bit and people don't really think of this as being the best solution for the standards, following the standards, and they've -- here's another example, not such a good example but -- so now I think -- but, you know, it sort of meets the standards cause they're differentiating, you could argue that, but I think, currently, the thought is that you shouldn't be able to fool the trained eye, so someone who is trained in knowing architecture should be able to go and tell that it is -- something about it is different. Like this is the library and you see where it's indented? There's like one, two, actually there's two additions to this building, and each addition is just a little different so when you pass by, you can't really tell that it's new, but when you look closely, you know, there's just like the window treatment is a little different, but it has the same rhythm, the same finishes, and then, you know, it's just set in a little bit at the addition. So, currently, the current thought is that's a little more acceptable for a historic building. And here's another example, the part left of that Bank of America sign is the addition and it, you know, as you can see, they took away some of the details but it's still -- it still matches, so you have to look carefully to know where the addition is now. And here's another one, which I think is very successful also, it's clearly modern, just -- it has the same -- it kinda echos the shape and the materials, but it's clearly an addition but it doesn't, you know, really jump out at you and scream.

And the last one is do not impair essential form and integrity of historic property if new additions or construction are undertaken. So, basically, for us, the best addition is one that doesn't touch the historic building at all, or it touches it at a very small place. Like the last one we saw, there was like a corridor between the two masses, that's good, you know, because if ever it has to be taken away, then it's easily done or it damages very little of the building, it keeps the form. And this is back to that YMCA, old YMCA, State Building now, they've put a big -- they attached it to another huge building and what they did was they kinda kept a little distance from it with a skylight that clearly identifies the old from the new, and then so the actual structure holding up the bigger building is the post.

Okay. So this is just some little, I guess, broader looking one that -- districts where this is just different treatments to a streetscape. That one on -- the bigger one on the right is the

Ewa Historic District where we actually had discussions with the county on how to keep the historic feeling of the whole neighborhood, not just the houses, so, you know, of course the standard one is curbs and gutters, you know, you have to have curbs and gutters, that's a standard engineering practice, so it ended up, you know, through a lot of work on the county's part that they put the gutter in the center of the road so they were able to keep the, you know, keep it from having these big sidewalks on the side so that the houses could keep their dirt into the street, the streets did have to be widened, but, you know, they kept it to as minimum as possible and they also kept away the curbs and gutters which is something we really did not want.

And this is Lanai, I think, so same -- I mean this one is just showing some different treatments that how the different roofs can affect, just the different materials and, generally, you know, the office does not or the State Office would not comment on color or choice of material for your roof, it's recognized that roofs are gonna change, that there's probably no roof or very few roofs that are actually historic because they probably had to be reroofed in time, especially like a small house like this, so all we're gonna do is look at that it has the same character as the existing one or, in this case, you know, in the context of the whole neighborhood.

Oh, the end. So, the sunset picture. Is there any questions? I know you guys are kind of on a short schedule so I don't -- but --

Mr. Kalei Moikeha: I guess what I'm trying to understand too like when you were talking about you should not try and fool the public?

Ms. Moy: Yeah.

Mr. Moikeha: I guess I don't quite understand that, I mean, you know, even like a lot of material now days is meant to fool everybody, like it looks like stone but it's not really stone, I mean --

Ms. Moy: Yes.

Mr. Moikeha: I mean I'm trying to understand that as far as what do you mean by that, I mean cause, basically, isn't that what we, not trying to do, but you want it look like something?

Ms. Moy: Yeah, well, I guess --

Mr. Moikeha: I mean are you saying that people are doing stuff and they're actually trying to fool somebody to -- I mean I'm trying to understand that.

Ms. Moy: Okay, the idea is that I guess, you know, the whole idea behind historic preservation is that you're not trying to create a whole Disneyland of buildings, right? You want the real thing. Or it's like an antique versus a copy. So what you wanna do is preserve the integrity of the antique and then if you do have something next to it, it should be a little different so that -- and actually it's kinda been so that it doesn't fool the trained eye so that, you know, like how we had that little differences between the two so that, at first glance, yeah, it looks -- it doesn't come out and jolt at you, but then when you look at it carefully, you can tell that it's -- and then you don't -- well that part about not fooling the public is, I guess, one of the biggest problems is a lot of times people think old is old, so they're going to put art deco style on a classic building and call it a historic rehabilitation, I mean, you know, that's not to say that that's not a fine way of doing a renovation, but it's not a historic rehabilitation.

Mr. Moikeha: I kinda understand that. It's just that wouldn't it be great to be able to fool the trained eye? I mean isn't that what a craftsman is trying to do? I mean that's how I look at it.

Ms. Moy: Yeah.

Mr. Moikeha: I understand what you're saying --

Ms. Moy: Okay.

Mr. Moikeha: I mean you don't put hodge-podge on whatever, I understand that --

Ms. Moy: Yeah. Yeah.

Mr. Moikeha: But I mean if you got somebody great that can do it --

Ms. Moy: And then that's a -- but see that would be -- if you're doing a restoration --

Mr. Moikeha: Right.

Ms. Moy: Then, yes, by all means you have to copy it and do it really well, but that's a restoration and that's using something that you have an evidence for and putting it -- restoring it to the building. But when you're doing a rehabilitation and you're like doing an addition, or something like that, you know, then --

Mr. Moikeha: Okay. I like that McDonald's logo.

Mr. Kalalau: Any more questions? Okay, Lon?

Mr. Lon Whelchel: Most people are trying to duplicate exact additions, trying to duplicate the original with their addition, and when they do, it's accepted because, why not, it looks just like the original, but the -- what you're saying is if you wanna duplicate, if you wanna add, make an addition, use the same rhythm, the energy, the forms and shapes, and try not to duplicate the detail.

Ms. Moy: Right.

Mr. Whelchel: The old detail that signifies old. Leave off some of the tile, the decoration, but use the shape of the windows --

Ms. Moy: Or simplify. Yeah.

Mr. Whelchel: The same pattern of windows, doors, but with the modern materials.

Ms. Moy: Right. Right. Or like, you know, that Hawaii Library one where they had like a fancy thing on the bottom, a little -- must have been a bar relief or something, and then other one it was just plain or, you know, just simple, just little things so that you can see the -- or, you know, set it back a little bit.

Mr. Whelchel: I'm glad you're pointing out that things don't have to be duplicated because that's what a lot of people are trying to do --

Ms. Moy: Yeah, no, it --

Mr. Whelchel: Or try to follow that.

Ms. Moy: No, it doesn't have to be exactly, but you just don't want something that's screaming at you; that's the whole thing, you know.

Mr. Keeaumoku Kapu: Hi. Good morning. Keeaumoku. Pertaining to rehabilitation project, is the community or the development side aware of this, and, secondly, how many people actually take advantage of this for its, I guess, the tax breaks?

Ms. Moy: Very few.

Mr. Kapu: Very few.

Ms. Moy: Very few take advantage of the tax breaks and that's something, I guess, that would be maybe the fault of the, you know, we never educated enough people about it to know about it, but you know the State Office does know about all that, so if people do call

with questions, I mean they do disseminate that information, but, yeah, it's not something that -- very few people take advantage of the tax credit.

Ms. Rotunno-Hazuka: Okay, but the tax credit is for what? The cost of rehabilitation?

Ms. Moy: Yes.

Ms. Rotunno-Hazuka: Okay, so it probably ends up being more expensive and people just end up renovating as or replacing as oppose to --

Ms. Moy: Sometimes. Sometimes that is what happens, but it's a 20 percent tax credit, which is substantial, so if they're, you know, they are interested in rehabilitation instead of renovation, then that is something, you know, you guys can promote too if you know of any.

Mr. Kapu: How would the public get informed of it?

Ms. Moy: They should call the State Historic Preservation Office.

Ms. Rotunno-Hazuka: There's a brochure isn't there?

Ms. Moy: There is a brochure. Does the County have copies?

Ms. Rotunno-Hazuka: We had one at one time I thought but --

Ms. Moy: Yeah.

Mr. Solamillo: We probably can get copies.

Ms. Moy: Yeah, or you can get more copies from the State Office.

Mr. Kapu: Would it be sort of a say maybe a -- how would you say that? Like a requirement if it falls in the historic district on the development, the type of development, like, for me, I feel that it would sort of fall under a requirement to look into those things as well?

Ms. Moy: It's not -- I don't think it's a requirement but it should be highly encouraged cause -- and your people could benefit.

Mr. Kapu: Okay, highly encouraged requirement.

Ms. Moy: Yeah. That would be good. They should, I mean and the more people who know about it, the more can be informed cause it's a benefit.

Mr. Kalalau: Okay, we're gonna open this up to -- for public testimony if anybody wants to -- have questions on this and when you come up, identify yourself please. Okay, Barbara.

Ms. Barbara Long: Good morning. Good morning, Chair Kalalau. My name is Barbara Long, I used to sit on the Commission, and hello to my former colleagues, and, Kalei, good question. When you asked your question, I immediately thought of Kula Hospital and the fact that they replaced their windows with plastic munttens instead of the original wooden ones that came before us and they had to go back for review and were slapped on the wrist for that. Couple of questions for Tonia, the Secretary of the Interior Standards apply to buildings listed on the National Register or eligible for listing. In the National Historic Landmark in Lahaina, are the historic buildings there all eligible and must you be an eligible building or a listed building in order to get the tax credit?

Ms. Moy: Okay, so not all the buildings in Lahaina, as you know, are eligible cause some of them are new. There is that 50 year requirement, usually a minimum of 50 years, but it is in the district. To get the tax credit, it does have to be what's called a contributing building to the district, so it does have to meet that age criteria to get the tax credit. But, if it's in the district, it should all be subject to the Secretary of the Interiors Standards cause how you treat, even if it's a new building, how you treat that new building is going to affect the overall look of the whole district so --

Ms. Long: That certainly makes sense and the -- I'm here to remind you that there were updated Lahaina Design Guidelines that would probably make renovations and rehabilitation in the district comply and the Commission has not had an opportunity to adopt those design guidelines and I would urge that you get a move on that and also on replacing your preservation planner and finding a preservation enforcer for Lahaina. So that's something that I would hope could happen.

Okay, Tonia said that sometimes, like the bay windows in Chinatown, things get passed even though people think they shouldn't be, so my question then is if this Commission is faced with that kind of situation where people are saying, "well, let them have it," like the renovations they did along side the old Lahaina fashion thing in that alleyway where doorways and things were put in, remember that one? It was a brick facade, not the Front Street facade, where do you go, besides the State Historic Preservation Office, to get as much information as you can so that you can come up with the best opinion and the best decision that you can make? So who can they ask?

Ms. Moy: Well there are people in the National Parks Service, you probably should go to the State Office and then ask for -- there's technical assistance to the National Parks Service and they're the -- cause the National Parks Service are the ones who would review any tax credit projects, they're the ones who certify if it meets the Secretary of the Interior

Standards or not, so go through the State Office, but you can ask for the opinion from the National Parks.

Ms. Long: Okay, and my last question is outside the National Historic Landmark, there are a number -- three County Historic Districts, what is the Cultural Resources Commission's responsibility in applying these standards to structures that are outside of the Landmark but are still within a Historic District, and, I guess, that's something for the County to decide maybe or is it policy or what?

Ms. Moy: I think the CRC reviews projects within any Historic District too, right?

Ms. Long: They're the authority within a Historic District, yes, but because it doesn't have Landmark status --

Ms. Robyn Loudermilk: Robyn Loudermilk, one of the planners, we also have Colleen Suyama here. The Historic Districts that Barbara Long is talking about are zoning districts, which are separate and distinct from the National Landmark, and in the zoning districts, there are some design guidelines and that is more with the County; however, we need some further clarification with the National Landmark District because we have no contact with the National Parks Service. They really have nothing to do, at this point in time, when permits come in because most of the permits that come in also require special management area, and so we have to go through a process of exempting them from doing a total Chapter 343 review and the only thing we really look for is if the building is 50 years or older. So if we can get some guidance from the National Parks Service in terms of what they want us to do or not do in the Landmark cause they've delegated everything to us and a lot of times it may not even get to one of the planners, like Colleen and myself, and might just go to the building plans inspectors and sometimes can fall through the cracks. You know, so we need to make the two distinctions that the National Landmark District, yeah, it is a Federal district but, at this point in time, the permitting responsibilities have been delegated to the County and that does not include design review. And then, secondly, our design review does come in in the County Historic Districts in which two are located in Lahaina and, as you all know, we have great challenges with that already so maybe I just wanted to clarify that and maybe Tonia can provide us some steps we can take to remedy at least with the National Landmark so everybody can get on the same page, not just us, the contractors, property owners, cause they'll just look at this, hey, this is my house. My mom and dad had it from 1910, you know. I want to get rid of the outhouse and put in indoor plumbing. I mean that's the kinda things we get on a regular basis.

Ms. Moy: And, actually, the Federal, for Lahaina, as far as Lahaina is concerned, the Federal doesn't -- even if it's on the National Register, the Federal does not review projects. They will only review Federal projects, so, yeah, everything is delegated down to the State, County level. They'll only -- but they will answer questions, you know, they can be

technical help, assistance, but they're not -- they don't have to review anything so, you know, just sending them -- it would be best to go to the State Office and then they can call and talk to somebody if you have a question about a particular issue, do you think this meets the standards, and we've done that, you know, we used to do that all the time, do you think this meets the standards cause everything -- so many things fall in gray, right, but other than that, they won't look at things on a regular basis.

Ms. Long: I just wanna say thanks and I'll sit down. I'm really glad that Tonia's here today.

Mr. Kalalau: Okay, Barbara, thank you, very good questions. Lee, you got --

Mr. Moikeha: Didn't we have -- didn't we have an example of that that storage facility that was outside of the --

Mr. Kalalau: Right.

Mr. Moikeha: And I guess it was the Planning Commission that bumped it back to us asking for our recommendations on that so --

Mr. Kalalau: Yeah, that's a perfect example.

Mr. Moikeha: That was one, yeah?

Mr. Kalalau: Yeah, I just had concerns too. The gray areas is bigger then it seems to be, you know, just based on some of the standards, you know, characteristics versus the government codes, and government codes versus the interior codes, and then you get -- and then all of that versus the property owner, you know, he's financial ability, it creates a very, very big gray area and like everything is passed down to, you know, State level, County level, and I guess, you know, some of the standards she was telling about replications, about replicas, about making things fooling the expert's eyes, and stuff like that. I think this is why it's important that this Commission we do have architects on here, we have archaeologist one here. A lot of the responsibility, I feel, is going to come from this Commission to help clear up some of the gray areas, but I also think that the State and County government should be more informative to the property owners, I mean having them aware of, you know, some of the regulations, and the zonings, and the building codes, and material use, and all of these -- and then it all comes down to, again, you know if the property owner has enough money, he can really make it look original, and then a lot of these historical sites is basically owned or operated by nonprofit organizations and it's very difficult for these nonprofit organizations to come up with some big financial funding to preserve these historic buildings or historic areas. I think this is other areas there should be some -- more than tax break for these organizations. Being that they're nonprofit, they already have tax breaks, you know, they're going to have to have some other kind of

incentives to preserve these historical buildings and places. Anyway, I thank Barbara for her questions too and everybody else's questions. Does anybody have anymore questions before we move on? Okay, if not, thank you, Tonia.

Ms. Moy: Thank you very much.

Mr. Solamillo: Next item on the agenda is Permit Review, under Historic District Applications.

C. PERMIT REVIEW

1. HISTORIC DISTRICT APPLICATIONS

- a. MR. ANTHONY LEVOY, on behalf of Oceanfront Ventures, Inc., requesting Historic District approval for exterior and interior renovations, lighting, and signage at 839 Front Street (Former Kawaguchi Building), located at TMK 4-5-001:006, Lahaina, Maui, Hawaii (HDC 2005/0005) (C. Suyama). The project site is located in the Lahaina Historic District No. 2.**

Ms. Colleen Suyama: This is a renovation project that's being proposed. We have been working with the applicant to make sure that the building is put into compliance with the guidelines of the Historic District, and if you would go to Page 4 of the report, what the applicant is proposing to do is, one, blocking the operable windows facing Front Street to prevent the windows from opening and maintaining the appearance of fixed windows, and reestablishing the exterior vents on the front parapet wall, and retaining the existing decorative front entrance door.

If you would look at this elevation, this is a picture of what the building looks like today. It has the decorative doors and the windows; these are currently operable windows; they're double-hung windows that go up the transom. There were existing vents that were up here at one time, it's been covered over, so what they're proposing to do is they're going to retain the store front the way it is today, these windows that are operable, they're going to block it in so that it cannot be opened from the interior, and they're going to reestablish the vents that are still here, identified here, so that's the front elevation.

They're proposing renovations to the rear portion of the building which is removing the decorative bamboo and restoring exterior horizontal siding to match the existing building. This is the old Café O Lei Building and when they did renovations, they had put all this bamboo all over the place, taking off the siding, that wasn't really approved in terms of the exterior renovations that they did, so we've been working first with Café O Lei and now with

the proposed new Blue Restaurant, who's proposing to come in, and what they're proposing to do is the exterior siding is going to be restored back, they're going to take all that bamboo out, restore the exterior siding to match the current siding; the railings are existing; they also have some galvanized poles that's support the deck structure and one of the things we did inform them is that galvanized poles are not a recommended building feature, so what they've agreed to do is to clad those poles in wood to match the siding, so that's going to be, you know, wood clad.

Also there are existing mechanical equipment on the roof top that's currently exposed, you know, if you're from the ocean side looking at it, you can see all the exposed mechanical equipment, which is the exhaust, etcetera, so what they're proposing to do is to put a false parapet in the back of the existing parapet to screen that all off and the siding would match the existing building.

They're also proposing interior renovations which involve the removal of all the decorative bamboo and restoring the interior siding; they're also replacing the decorative floor tiles with new tiles compatible with the Historic District. At this entrance, there's this decorative mosaic tile feature and that's something that's not recommended for the Historic District, and what they're proposing to do is to replace it with this material, which has an appearance more of a matted finish with like a stone slate. And they're also proposing to repaint the exterior of the building a shell white color for the body and a blue-gray trim, and these are color samples. And they're also removing the unapproved exterior lights and replacing the lights with a concealed light, ceiling light, and then the canopy roof, the new lighting for the exterior signs.

They're submitting also the signage plan for this project, which would consist of four different signs. One would be the Blu Restaurant sign would be for the exterior canopy, they're proposing to put it on the parapet, a building wall sign. They're also proposing to provide three hanging signs under the existing canopy, it's going to be replace the other unapproved signs there.

In terms of the Analysis on Page 4, the renovations follow the design guidelines of the Architectural Style Book for Lahaina by removing the decorative bamboo and restoring the horizontal wood siding, installation of wood panel doors, cladding of the existing galvanized poles in wood, and replacing the decorative entry floor tiles with new tiles having an appearance like stone. Also the existing parapet vents, which were an integral part of the Front Street facade, will be restored. The existing operable double-hung windows on the Front Street facade will be blocked to prevent the operable windows from opening and will have the appearance of fixed glass, fixed windows. This would also prevent future incidents of merchandising or soliciting business through the open windows on the public sidewalk. Those of you who are familiar with Lahaina, this project had a lot of problems in which they were having display cases, as well as solicitation through those open windows,

and one of the things that the Department had requested is that to prevent future incidents of vending or solicitation on the public street, we wanted those windows to be permanently fixed in.

The construction of a false parapet at the rear of the building will screen rooftop mechanical equipment and exhaust from the public view. The interior renovations will not be visible from the exterior of the building. The removal of the decorative bamboo from the walls and ceilings will stir the interior more in keeping with Lahaina Historic District.

Stucco buildings during the missionary period were generally natural lime color or painted white. There is evidence that a variety of colors in successive periods were generally light, muted, or pastel shades of yellow, blue, green, or pink. The proposed shell white is in keeping with the colors that were traditionally used on stucco buildings. The proposed dark blue-gray color for the trim is in keeping with the colors characteristic of Lahaina Town.

The applicant proposes to limit signage for the building to one 12 square foot wall sign identifying the Blu Maui Restaurant located on the parapet wall above the canopy roof, and 3 hanging signs for the Blu Restaurant, Island Treasures Jewelry, and Activities for Less. The signs are essentially in accordance with the Sign Guidelines. The signs will be of wood and sand carved with raised lettering and ornamentation. However, the design guidelines recommend that the background of the sign board shall be wood finish or finished with a natural transparent or heavy bodied stain as identified in the guidelines. Implementation of the guidelines also allows the use of paints provided, it meets the limited colors recommended by the guidelines. Based on these guidelines, the pink background of the Island Treasure Jewelry sign is in conflict and it is recommended that the sign background retain the wood finish look with the colors used as ornamentation. So the other two signs -- three signs are okay, it's just the Island Treasures sign that's in conflict with the guidelines.

The existing spotlights on the front facade will be removed and replaced with new lighting, the lights under the canopy shall be replaced with new recessed lights, and the spotlights for the hanging signs replaced with a small gooseneck type light in accordance with the lighting detail of the guidelines. The lights for the hanging signs shall have a dark matte finish, the spotlights on the roof canopy shall be removed, and new concealed lighting shall be used to light the parapet wall sign. Just for your information, these are the existing spotlights. There are these spotlights that are here, these are all going to be removed, as well as these canopy sign lights up here. What they're proposing to do is under the canopy would be the recessed lights that's identified, and for the signs, it's going to have one of those gooseneck lights to just light signs rather than these spotlights. And as for the building sign up here, they're going to find a concealed lighting that probably, if it's going to be up on this canopy roof, will be painted in to match the existing canopy, so it's not going to be as evident that there's lights up there. In addition, the outdoor dining also

includes canvas table awnings that are similar to other awnings approved in the Historic District.

The conversion of the building from retail space to restaurant use, when Aloha Cantina was in operation, eliminated the nonconformity for parking so the existing retail space and proposed Blu Maui Restaurant is required to provide parking in accordance with the County Code. The Blu Restaurant is tentatively required to provide 19 parking spaces. On October 28, 2004, a variance was granted by the Board of Variances and Appeals to provide 20 offstreet parking spaces for the former Café O Lei Restaurant on the property. The offstreet parking has been assigned to the Blu Maui Restaurant; however, the applicant has been advised that the conditions of the variance must be fulfilled prior to issuance of any building permit. And since the preparation of this report, the applicant has submitted the documentation that was required as part of the variance that's currently being reviewed by our Zoning and Enforcement Division to make sure that that -- those conditions are fulfilled.

The subject property is also located within the special management area and shoreline setback area, and concurrent applications have been filed with the Maui Planning Department.

Pursuant to the Chapter 343, Hawaii Revised Statutes, the proposed renovations qualify as repair and maintenance, construction of placement of minor structures accessory to existing facilities, and interior alterations, and as such, qualifies as an exempt class of action and does not require an environmental assessment.

The portion of the building seaward of the shoreline is also under the jurisdiction of the State of Hawaii Board of Land and Natural Resources. A lease of nonexclusive easement was executed with the State of Hawaii which allows the use of the State lands by the applicant. The applicant has been advised to contact the Department of Land and Natural Resources to ensure that the improvements on State lands are permitted. It is noted that the State lands are within Lahaina Historic District No. 2, which extends 100 feet seaward of the shoreline. If you would look at the site plan, there was a site plan that was included as part of your packet, the shoreline is approximately in this area, so the deck area, the dining area is essentially over that they call fast lands or over the ocean which is under the State's jurisdiction and they have a lease for that property, but they also will need to get confirmation from the Department of Land and Natural Resources that whatever their proposed renovations are in keeping with their lease and that's authorized by the board, so we're just informing them that there's a double jurisdiction by the State that they also need to clear.

This concludes our presentation. Are there any questions?

Mr. Kalalau: Questions, yes, anyone? Commissioners? Okay, Lisa.

Ms. Rotunno-Hazuka: I just have a question about the windows, I mean I can understand about fixing them so there's no traffic or activities through the windows, but isn't that kind of hot, I mean don't they want it opened and have ventilation or they're gonna --

Ms. Suyama: They're having their own air conditioning system.

Ms. Rotunno-Hazuka: ...(inaudible)... so no big deal? Okay.

Ms. Suyama: See and, well, you have to look at the history of that building. The original windows were allowed to be opened windows, those are not the original windows. When Aloha Cantina project came in because Aloha Cantina wanted to open the windows so that their dining area would be open to the street, but since that time, after Aloha Cantina left, this project has been where the retail space has become, you know, on the front of the building with the restaurant in the back of the building and we've had continuing problems about merchandising through those windows, I mean to the point where people were just pushing their display cases out of those open windows and because we know, you know, the applicant, you know, the owner of the property had some problems about doing a whole major renovation to the windows, we compromised to just having it blocked in so that's inoperable.

Mr. Kalalau: Okay, Lee?

Mr. Moikeha: So then -- so the applicant has no problem with that?

Ms. Suyama: No, they've agreed.

Mr. Moikeha: They've agreed with that?

Ms. Suyama: We've been working with them for a number of months to get this -- to get this building up to the standards of the Cultural Resources Commission and it's important to note, the Blu Restaurant is not the people that did all of this stuff, it's somebody else that was before them, so we're working with them to try to rectify some of this inconsistencies.

Mr. Moikeha: I was just thinking because even as you walk through Lahaina, there's many other businesses that have windows open still --

Ms. Suyama: Right.

Mr. Moikeha: Just that open air thing just kinda -- it's what makes it Lahaina.

Ms. Suyama: Right, no, but one of the things is a lot of these windows were never open, they were all fixed display windows, and because of use, desires of the tenants, some of these windows were allowed to have the openings, like Aloha Cantina, and they, unfortunately, because of misuse, have become a problem. That's the problem, you know, it's the misuse by the individuals that make it a problem.

Mr. Kalalau: Okay, yeah, I have a question. You know on Exhibit 3, it shows there's three metal brackets, I don't know if it's for to hold up the overhang or is it just decoration?

Ms. Suyama: It's actually the support system for the canopy and that's existing.

Mr. Kalalau: Was it put there from the previous owners of --

Ms. Suyama: It was there was from when I knew this building. It's always been there. It's not something new. It's part of the original, I believe, the original feature of the building.

Mr. Kalalau: Okay, no I thought maybe it could be replaced by wood. Also, can you show us on the picture there where the signs are going to be placed?

Ms. Suyama: Oh, okay.

Mr. Kalalau: The new signs.

Ms. Suyama: They're going to be in the same location that these existing signs are. So the Blu Restaurant, I believe, is going to be middle sign, and the other two will have the other two signs located --

Mr. Kalalau: Okay, you know why? Just looking at Exhibit 3, the Activities for Less look like it's mounted on the other building, so but basically these three signs are going to be mounted on --

Ms. Suyama: Underneath the canopy.

Mr. Kalalau: Under the canopy on one building?

Ms. Suyama: Right.

Mr. Kalalau: Okay, and are there in regulations with the County sign codes down there?

Ms. Suyama: They're gonna have to maintain a certain distance above the street, I'm not sure what that elevation is, but they have to maintain a minimum clearance for pedestrian

traffic. They're not subject to the Maui sign -- the Maui County Code Sign Ordinance because they're part of the Lahaina Sign Guidelines, they're subject to that.

Mr. Kalalau: Right, the historical sign, okay.

Ms. Suyama: Yeah.

Mr. Kalalau: Anyone else get questions? If not, we're going to open it up for the public to testify. Okay, Lon?

Mr. Whelchel: I have a question for the wrought iron brackets, is it structural or they're just decorative?

Ms. Suyama: I'm not really sure. You might -- probably not. It's probably decorative because you do have the supports on the parapet, you know, that holds the canopy back.

Mr. Kalalau: Okay, if not, we'll open this portion for anyone in the public who wants to testify.

Mr. Keoki Freeland. Good morning. Keoki Freeland, Lahaina Restoration Foundation. Relative to the signage, I think we're heading in the right direction. This building, you know, originally, in the sign code for the Historic District, you should have a building sign, you can have a hanging sign, and some menu boards and stuff, but, prior to this happening now, the previous tenant was highly illegal. He had more than one building sign, he had all kinds of hanging signs, but they're going in the right direction. The change that is here on this building, compared to the rest of Lahaina, is that normally you have a building that's just one business, but here several businesses have moved in there, so you have more than one hanging sign, if you read the ordinance, it says one building sign and one hanging sign, but at least you don't have more than one building sign, like the previous tenant. We're going in the right direction here, and certainly with the color of the sign that's been pointed out, that's very good. I do have a question, because it wasn't mentioned, are there menu signs or menu boards going to be put up on the building and, if so, what are they going to look like because there are a whole bunch of illegal menu boards all over Lahaina, so I think that should be looked into.

I'd like to comment about the fixed windows. There are all kinds of illegal open windows in Lahaina. I know of a particular building whereby a tenant came in and asked to have the windows to be open and it was denied by the Cultural Resources Commission; that tenant moved out, the next guy came in, and he opened them, and it's still open, and he's got all kinds of stuff hanging out there, even though it was denied by the Cultural Resources Commission, but, due to the lack of enforcement, that's what's going on. Any questions?

Mr. Kalalau: Maybe it's out of the line little bit on this but, Keoki, being that you're very active in the Lahaina area, I just have -- you talked about enforcement, how is that new enforcement officer working out down there for --

Mr. Freeland: He's not there yet, he or it or whatever, it will come in in the second half of the calendar year for the County, so it's not working at all because the person is not there yet.

Mr. Kalalau: Okay, and then when you talk about the second half of the calendar year, is it now this fiscal year, starting this fiscal year?

Mr. Freeland: That's right, this fiscal year, so --

Ms. Rotunno-Hazuka: December?

Mr. Freeland: Six months after June, whenever that is but, yeah, the second half, so we're looking at actually after December before that person comes in.

Mr. Kalalau: Okay, thank you. Anybody else for Keoki, get questions for Keoki?

Ms. Rotunno-Hazuka: Thank you.

Mr. Kalalau: Okay, thank you, Keoki. Anybody else wants to -- okay, please come forward and just identify yourself.

Mr. Ron LaClergue: Aloha. I hope I can not use the microphone ...(inaudible)... a little cold. My name is Ron LaClergue and I'm the Treasurer of Lahaina Restoration Foundation, and I'm also the Maui Regional Manager for TS Restaurant which are -- we're the next door neighbors. Just a couple of opening comments. I'm a real proponent of being ...(inaudible)... of the historic guidelines in Lahaina and how it relates to good business and it's really refreshing to see these people doing it right and they are good people, I've met them, and I wish the best for them. We had a couple of questions, as you can image, being the next door neighbor, and maybe a little historical background about the building that I talked to David ...(inaudible)... some people probably will know him, but he's my predecessor there 11 years ago when the first extension was built. I would like to take some time to study this, if you don't if I could just take a little peek here. The extension here, this deck extension right here, it's kinda interesting and I'm not sure if I've got my facts right so please don't quote me, but originally, the Cheeseburger in Paradise people were the ones who built this building, this extension, they asked for a permit to extend the building and couldn't get it through the Planning Commission. Somehow they went back and I guess there was a bookstore there or something and they had also applied for a permit to extend this, prior to the Cheeseburger in Paradise people, they went with that

permit, got it approved, and all of a sudden, bam, this thing was sitting out way past the shoreline, you know the Yacht Club's here and then Kimo's is there, and then this thing sticks way out ...(inaudible)... and it's got an interesting background, if somebody was to study it I think you'd find some pretty interesting things there. What I'm really worried about is I was the guy that called the Planning Department, one day I came out of my office and, again, I wish I had some more time to study this, they were building a roof on top of the second story out of bamboo, and I mean it was going up so quick, it was amazing, I couldn't dial the numbers fast enough, and they hadn't pulled a permit and the Planning Department ...(inaudible)... the next thing I know, two days later, there's a roof. So the Yacht Club lost its view, Kimo's lost its view, no building permit, again, this isn't the new guys, this is the --

Ms. Suyama: Café O Lei.

Mr. LaClergue: I think Café O Lei, right, and next thing you know, we're getting worse, we're going the wrong direction here. So, anyways, it was unbelievable, the Planning Department got right on it and I could believe it, two weeks later, it came down. So, you know, to fight the battle to get the whole thing removed ...(inaudible)... but I do request that they don't put the roof up and it doesn't look like they're doing one here. Is that true? Without studying this.

Ms. Suyama: There's no roof.

Mr. LaClergue: ...(inaudible)... I didn't hear -- I didn't hear the word ADA today or maybe trash and those are big concerns for us on the west side and I don't know if you're going to trigger an ADA review or not, but God bless you if you don't because you'll go broke, but those are things real big concerns, especially the trash, and parking, of course, it sounds like you've got that figured out with the 20 spaces, which is really interesting. I'd love to know where you got 20 spaces in Lahaina. But the canvas awnings, I have a couple questions there. Are they -- they're going to be on the second story, I would image, and they're going to go from the existing bar out?

Ms. Suyama: No, they're like the umbrella awnings.

Mr. LaClergue: Oh, okay, they're umbrellas?

Ms. Suyama: Umbrellas on the table.

Mr. LaClergue: And are they permanent or --

Ms. Suyama: No, they're removable.

Mr. LaClergue: They go up and down?

Ms. Suyama: The reason they're included in this application is that normally the Commission reviews those umbrella awnings to make sure that that, you know, it meets the criteria cause there's other people we've allowed them to do that, those portable awnings.

Mr. LaClergue: Okay, so that's my only comment. It seems -- I really am -- I'm so happy that you guys came before this group and it seems like you're doing things right. It's so refreshing to see, as Keoki will tell you, that's one ...(inaudible)... I mean everyday you walk down that street it's frightening to see some of the stuff that's going on, the integrity, the historic section, especially in Lahaina, it's so important, so good luck you guys.

Mr. Rotunno-Hazuka: Thank you.

Mr. Kalalau: Any questions for Ron? If not, thank you, Ron.

Mr. LaClergue: Thank you.

Mr. Kalalau: Anyone else from the public?

Ms. Suyama: The applicant is here if there's any questions for the applicant before I go into my recommendations. Okay, if not, I'll just go into my --

Mr. Moikeha: Mr. Chair?

Mr. Kalalau: Questions? Yes, Lee?

Mr. Moikeha: I'm not sure who I should ask this to but since Ron brought it up as far I don't know what the deal is as far as, you know, the site advantage and things as such, you know, as he was mentioning that there was a roof that was there before that it blocked out their vision and things like that, I mean, do we take that into consideration in with the umbrellas? I mean --

Ms. Suyama: That's not a criteria for what the --

Mr. Moikeha: I understand that.

Ms. Suyama: With board, right.

Mr. Moikeha: However, there's somebody here that's talking that, you know, now something else is coming up that's blocking my view ...(inaudible)...

Ms. Suyama: Right, he has a structure that came up that had -- because of --

Mr. Moikeha: I understand that.

Ms. Suyama: But now --

Mr. Moikeha: That's why I'm asking the question because I don't understand where or can we make a -- I'm just asking a question. Is that something that we can ask or is that something that we just back away and say, "Yeah, just put up the umbrellas, it's okay. You can block somebody else's view?" That's all I'm asking.

Mr. Kalalau: We can ask --

Ms. Suyama: We can ask the applicant.

Mr. Kalalau: And we also can be more technical and make recommendations.

Mr. Moikeha: I'm just asking.

Ms. Suyama: Do you want the applicant to explain?

Mr. Kalalau: Yes, please.

Ms. Karen Sakamoto: Hi. Karen Sakamoto, with Next Designs, we're the architects for Blu -- as far as the umbrellas, there's been existing umbrellas for a while and I think the previous tenants had not applied for their okay with it. I don't believe they've had complaints in regards to it blocking any view. There's no plans to put up, of course, any roof structures of any sort, and that's about it. The umbrellas are temporary, they're only out there if they do seat people out there when it's -- the sun is out; of course at night, it won't be there.

Mr. Kalalau: Also in your guys planning again, like Ron mentioned too and I know it's a problem on Front Street too for ADA, I guess for parking and also for, you know, because you're restructuring the buildings and stuff, and are you guys have to go through compliance with ADA requirements?

Ms. Sakamoto: We provide dining both on the lower level as well as the upper level so we feel that we are complying with providing service to -- or that is ADA compliant.

Mr. Kalalau: Okay, anymore questions?

Ms. Rotunno-Hazuka: I just -- isn't the roof in a different location that they were talking about than the umbrellas, or we're talking the same location so --

Ms. Sakamoto: Yeah, I don't know where the previous roof was that perhaps Café O Lei put up, but umbrellas are only on the second floor open deck.

Ms. Rotunno-Hazuka: Okay. And, yeah, just out of curiosity, what about the trash because we had that come before us before about, I think it was Cheeseburger in Paradise, there was a real huge problem, have they gone that far? No?

Ms. Sakamoto: Unfortunately, I'm not the operator so --

Mr. LaClergue: ...(inaudible)... so we're providing them with -- we're sharing our trash compactor with them, so far so good, but I can't sit here and guarantee that in five years or ten years down the road if that's going to keep working. So far so good. If this restaurant becomes really, really busy, then we're going to have to ...(inaudible)... it's a huge problem. We actually lease a spot there on Wainee Avenue, we have a compactor there ...(inaudible)... so it seems to be working pretty good, but that's another good business to get into, if you don't wanna get into the parking business, get into the trash business on Front Street ...(inaudible)...

Ms. Rotunno-Hazuka: Pick it up and go five times a day. Okay.

Mr. LaClergue: So, no guarantees but so far so good. They kinda got it covered but you guys need to kinda think about that down the road.

Mr. Kalalau: Okay, thank you.

Ms. Rotunno-Hazuka: Thank you.

Mr. Kalalau: Okay.

Ms. Suyama: The Maui Planning Department recommends approval of the renovations, color, signage, lighting, and canvas table awnings subject to the following conditions: One, that construction shall be in accordance with revised plans dated and received on July 18, 2005, I'm sorry received on July 18, 2005, and dated March 9 and May 18, 2005; that the operable double-hung windows on Front Street shall be blocked to prevent the windows from opening and shall have the appearance of fixed windows; three, that the exterior vents on the parapet wall on the Front Street facade shall be restored to its original appearance; four, that the existing decorative floor tiles shall be replaced with new floor tiles having the appearance of stone; five, that exterior lighting shall be appropriate period type features or concealed lights, such as the recessed lights proposed within the front facade roof canopy

ceiling. The lights for the hanging signs shall be the small gooseneck type lights while the lighting for the wall signs shall be concealed lighting above the roof canopy; six, that signage for the retail restaurant building shall be limited to one 12 square foot building sign located on the parapet wall and three hanging signs not to exceed 8 square feet located under the roof canopy. Chain with a dark matte finish, rope or wood shall be used as support for signs to the building wall and architectural elements, such as the building canopy and parapet; seven, that the background sign color for the Island Treasures Jewelry hanging sign shall be a wood finish or color in compliance with Appendix C of the sign guidelines. A revised graphic or photo of the sign shall be submitted to the Maui Planning Department for approval of the background cover; eight, that except as permitted, no advertising banners, portable signs, door hung signs, etcetera, or placement of merchandise shall be allowed on the exterior of the building including open doorways; nine, that the applicant shall notify the State of Hawaii, Department of Land and Natural Resources of the proposed renovations located on State lands and, if required, obtain appropriate permits. In consideration of the foregoing, the Department recommends that the Commission adopt the Department's report and recommendation prepared for the August 4, 2005 meeting as its findings of fact, conclusions of law, decision and order, and authorize the Planning Director to transmit said decision and order to the applicant.

Ms. Rotunno-Hazuka: So, Colleen, on Item 8, that would cover like menu boards that those -- they put out like on the sidewalk and stuff is that --

Ms. Suyama: Right. They would be allowed, by your sign guidelines, to do a menu board but they have to do it in accordance with the guidelines that you've established. But, before that, they had these huge boards that were tacked onto the door and those are the things that we're saying that you're not going to be doing in the future.

Mr. Kalalau: Anymore questions, commissioners?

Mr. Whelchel: The pink sign is going to be covered with the note of limited colors?

Ms. Suyama: Right. Right.

Mr. Kalalau: No more questions? If not, we'll -- these are -- Colleen just read the recommendations from the County and I just wanna ask the commissioners if they might have any things that they might add to the recommendations before we make a motion and vote on this application. Perry?

Mr. Perry Artates: Mr. Chair, I make a motion to move and approve the exterior and interior renovation, lighting for Oceanfront Ventures with the recommendation from the Maui Planning Department.

Ms. Lisa Rotunno-Hazuka: Second.

Mr. Kalalau: Okay, it has been moved and second. Is there any discussions?

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

It has been moved by Mr. Artates, seconded by Ms. Rotunno-Hazuka, then unanimously

VOTED: to approve the request by Oceanfront Ventures with the recommendation from the Maui Planning Department.

Mr. Kalalau: The motion is carried. Thank you very much.

- 2. ADVISORY REVIEW - None**
- 3. DEMOLITION PERMITS - None**

D. COMMUNICATIONS

- 1. Mr. Les Wright, Maui Surf & Sand Half Marathon, communicating a final report on the inaugural race held in Lahaina in January 2005. A final report for this event was a condition of the Historic District permit granted by the Cultural Resources Commission.**

Mr. Solamillo: Next item of business, under Advisory Review, there are no items submitted before this Commission; under Demolition Permits, there are none; under Communications, Mr. Les Wright, of Maui Surf & Sand Half Marathon, will be communicating a final report on the inaugural race held in Lahaina in January 2005. A final report for this event was a condition of the Historic District Permit which was granted by this Cultural Resources Commission and is concurrent with another application for this coming January 2006.

Mr. Les Wright: Well we had a very successful event last January 16; initially, it wasn't very successful.

Mr. Kalalau: Excuse me, just for the record, just identify yourself.

Mr. Wright: Thank you. Yeah, my name is Les Wright, Maui Surf & Sand Half Marathon, here to report on our event from last January. We had about 400 runners, we would have liked to have had 800 to break even on it, so we had some growing pains and put a little investment in it, but we're back and ready to go this January 15 next year.

A little quick rundown. We start at 6:40 in the morning, and it's all written there, you can read it along with me or just file it away for later. We shut the road down starting at 6:40, from Office Road, Kapalua; we ran north down towards Flemings Beach; ran through the Ritz-Carlton property where they supplied the first aid station; we went up the hill, up Office Hill a little ways and back down I think it's Kapalua Drive, in front of the Bay Club; down on Lower Honoapiilani Highway, and down to Napili Kai Road, and then up Napili Kai and up to the highway again, and then all the way on down into Front Street, and finished up at Kamehameha Iki Park. And we do wanna change that course a little bit, but I'll get on to that in a minute. We hired, it says here, 12 police officers, but actually it was 9, I rechecked my checkbook this morning, and it was 9 officers plus the regular staff that's on duty anyway. We hired Sun Industry to put the cones down, mark all the intersections, and Lahaina action council with Theo Morrison directing, manned the -- all the side streets in Lahaina. And we had buses that we had hired to pick people up in Lahaina and at the Cannery Mall and at Kaanapali to bus them up to the start line on top of Office Road. We had five aid stations total: one at the Ritz-Carlton; we had a school team do the one at the top of Napili Kai Road; McDonalds chipped in and did one there in Kahana; Golds Gym there on the highway, and then Old Lahaina Luau put on a super aid station at the finish area in custom and music. At the finish line, we served bagels and fruit and cookies and coffee, thanks to Starbucks, and Dr. Norm Estin, from Doctor's On Call, provided the medical staff, and Clara Felix provided the nurses. We had liability insurance through USA Track and Field. We had Hawaiian music, hula, and senior citizens played some -- played and sang traditional Hawaiian music at the park. And this next year we plan on adding a 5k race, which would start at the graveyard there in the canoe club area, and which would be run at the same time as the half marathon so it takes no more facilities or police or anything else, just another event on the course. It gives some of our visitors who are not particularly runners a chance to come out and walk or jog it, and our local folks as well.

And we're gonna do something a little bit different than anybody else does, we're gonna add some team scoring in to the half marathon and we're gonna challenge the different businesses and hotels in town to put together a four-person team and to come out and run our event and challenge, in other words, the Ritz-Carlton will challenge the Marriott will challenge Golds Gym will challenge whoever wants to put -- Kimo's or whoever wants to put together a team of four of their employees would come out, and we'll put together some kind of an award, some kind of a cup of some sort for the winner, a traditional type of thing that we'd like to start.

We also donated some money to the LahainaTown Action Council, the Maui Coastal Land Trust last year, and that's pretty much our event, and it started early in the morning, we were done within about three hours and traffic was stopped in downtown Lahaina for us, it didn't seem to affect anything on a Sunday morning, and we hope they spent, our visitors spent a lot of money down there.

And if you look a little further into the report, you can see pictures of our course, our starting line, our finish line, and then, towards the back, you'll see the financial economic impact, where the runners came from, and the age groups, pretty boring but a little bit interesting maybe, but boring overall. You can even see the size of the t-shirts that were ordered. You can see the states where the people came from, even a few foreign countries, 32 percent, as you can see, were from Hawaii, California 23 percent, and then all the other states are broken down with Washington and Oregon, and there's another page here that shows you the Canadian, one of these pages, breakdown, Canadian providence breakdown, like 49 percent of the Canadians, which was 63 total Canadians out of the 400 were from Alberta, which was surprising, I thought British Columbia would have been biggest, but it was the second.

Anyway, if you have any questions, I'll be happy to answer them.

Ms. Rotunno-Hazuka: Did you -- any problems whatsoever?

Mr. Wright: Zero.

Ms. Rotunno-Hazuka: Besides not making money?

Mr. Wright: Zero. That's the only problem.

Ms. Rotunno-Hazuka: And so what you would do differently this year to make money is you're going to do the challenge, and add the 5k --

Mr. Wright: Exactly, but it takes time.

Ms. Rotunno-Hazuka: Sure.

Mr. Wright: I also started the Lake Tahoe Marathon ten years ago, and that's my primary event and, you know, I live in Maui part-time and I love it here and I want to get involved, and I enjoy putting on marathons and races, it's just the thing I do since I retired school teaching, and it keeps me busy. My partner puts on the Vancouver Marathon, about 15,000 runners, and so we're both very experienced in doing this sort of thing, and this is a piece of cake event for us, but something we like to do as we both have roots in Maui. And as far as problems, we don't anticipate any and it's just a matter of time before we make money, the word has to get out there that we have an event here in Maui, and as you can see that the majority of the runners are visitors on the island and folks coming over, but so it's just a matter of time. My first, I started saying, my first year putting on the Lake Tahoe Marathon I lost big time also, but now we do quite well.

Ms. Rotunno-Hazuka: So when -- like last year when people filled out this form, now you have their address so you send it back to them again and hope they'll return?

Mr. Wright: Yes, we have their address so we can send it back and the majority of the people do do it on the internet.

Ms. Rotunno-Hazuka: Oh, yeah, cause they -- okay.

Mr. Wright: And so it's quicker and easier to do it there and less paperwork and we don't have to interpret people's handwriting so we prefer they do it on the internet.

Ms. Rotunno-Hazuka: Okay. And what is that? It's 13 miles?

Mr. Wright: A half marathon is 13.1 miles, correct.

Ms. Rotunno-Hazuka: Okay.

Mr. Wright: And we want to change the course this year and make it prettier. Last year, it was -- we had a super headwind up on Highway 30, and it's not very scenic, running on a four-lane road is not scenic, so we -- instead of going up at Napili, we wanna stay on the lower road and go all the way down to Star Market, using one lane, and then pop out on the highway at Star Market going south, and then when we get to Golds Gym, we want to turn into Golds Gym, go through their parking lot into Kaanapali, down into Kaanapali in front of the hotels going south now down by the Hyatt, through that gate that's normally locked in the back parking lot of the Hyatt, and then out by the graveyard there and out by the canoe club back onto the highway and continue the course.

Ms. Rotunno-Hazuka: Okay.

Mr. Wright: And we think that would be scenic and much more enjoyable for our visitors and take people off the highway.

Mr. Kalalau: Okay, this map right here, is it the adjusted new course?

Mr. Wright: No, it's not. It is last year's.

Mr. Kalalau: Oh last year's one.

Mr. Wright: It's last year's but the new one, I have it written on my web page, if you go to the web page, you can see it, and I think I have it written in here as well.

Mr. Solamillo: The applicant actually has an application, which is the new course.

Mr. Wright: Yeah, I have it in here and it's right after the course description, it's right after the graphs and all that boring stuff. So we'd like your blessing so that we can continue with the event and the course -- and make the course changes to make it a better event.

Mr. Kalalau: Okay, anyone have any questions, commissioners?

Mr. Artates: Mr. Chair? Mr. Wright, this is for your report on the January 16 event, right?

Mr. Wright: That is correct.

Mr. Artates: On item number -- financially speaking that two organizers split the lost of about \$15,000?

Mr. Wright: Correct.

Mr. Artates: And you were still able to donate \$800 each to the LahainaTown --

Mr. Wright: Well, that's part of -- the price of doing business, you know, we're here to make a good mark on the community so --

Mr. Artates: Okay, thank you.

Mr. Kalalau: Okay, if there's no more -- you got a question?

Mr. Kapu: I have a question. Basically the item is for us, on the final report, the inaugural race held in Lahaina, January 2005. A final report for the event was a condition on the Historic District Permit granted by the Cultural Resources Commission. Are we here also today to also approve them for another event?

Mr. Solamillo: No, just to accept this as a final report.

Mr. Kapu: Okay.

Mr. Solamillo: Separate from the application.

Mr. Kapu: Okay. So do we have an application set for another event?

Mr. Solamillo: We do have an application. It's been received by the Planning Department but the organization had to submit a final report in compliance with the original approval, and then we can go through this other process of approving the application.

Mr. Kapu: Okay, okay, just little bit clarity on that. Okay, mahalo.

Mr. Kalalau: So, commissioners, you guys understood that?

Ms. Rotunno-Hazuka: Yeah.

Mr. Kalalau: Okay.

Ms. Rotunno-Hazuka: Okay.

Mr. Kalalau: Okay, thank you. Is there anyone in the public that wants to testify? Okay.

Ms. Uilani Kapu: Aloha. My name is Uilani Kapu. I'm representing Hui O Wa`a Kaulua right now as a temporary E.D. I do have a concern. When is this supposed to be happening?

Ms. Rotunno-Hazuka: The 9th?

Mr. Solamillo: January 15.

Ms. Rotunno-Hazuka: 15th.

Ms. Kapu: Okay, the reason for that for that is because we are in the process of doing a traditional halawai, hale halawai in this area, which will impact greatly to our construction. We have the permits already going through the process and everything and I just wanted to bring that up as a concern because last year they ended up in our park and the impact was very huge. With this hale halawai coming up, it will impact it more, so I was wondering if the ending course could change to somewhere else, another location because of this. It's going right on the platform and it's sticking out and that's where you folks had the entertainment last year and everybody was in that area.

Mr. Wright: ...(inaudible)...

Ms. Kapu: Yeah, so that's why I just brought that up to let you folks all know the process that's happening in that park right now.

Mr. Kalalau: Okay, thank you. Does anyone have questions for her?

Mr. Kapu: I get one point of clarity, probably for the Corporation Counsel. I also serve as a Hui O Wa`a Kaulua, I'm the President of Hui O Wa`a Kaulua, and I need some information based upon this whether or not I should recuse myself in the voting when it comes about, but that's basically not the question right now --

Mr. James Giroux: Right.

Mr. Kapu: But being that the public testifier brought it up as pertaining to what happens in that area and basically what is going to occur in the area, I think maybe it would be taken up another time?

Mr. Giroux: Yeah, at this point, what I can advise you is you -- if you are concerned about it, you can probably do an ethics request because we will have time before the actual decision. This decision making is only just to accept the final report.

Mr. Kapu: Yeah.

Mr. Giroux: So you do have some time if you wanna do a formal one and the analysis they'll do is, you know, first they'll see if you have any financial, you know, gain or interest, and the other part is whether or not you can be fair and impartial in your decision making, so that'll -- they'll make it -- the decision based on the information you give them so as long as there's full disclosure of --

Mr. Kapu: Yeah, no, that's not the topic matter right now but being that it was brought up, Hui O Wa`a Kaulua was brought up, as part of the minutes, I wanted to make the clarity as pertaining to my involvement in this. Mahalo.

Mr. Kalalau: Okay, thank you. Anymore questions? Anymore from the public who wants to testify? Just maybe, Stan, being that there's permits and stuff for the hale, and being that it's on the same date with the half marathon and stuff like that, I just wanna know if when the applications come in if -- or prior to the applications come in if this information will be relayed to what is here today, Les is here today, so that they can make arrangements for or, you know, iron out this situation now, I mean before the application come in.

Mr. Solamillo: Well, the application is already in but if you wanna instruct the applicant, you know, to at least enter into some discussion. The other organization, do you think we could get some resolution?

Mr. Wright: I think we need to sit and talk. I'm sure if I had known about it ...(inaudible)...

Mr. Solamillo: Right, if we could get, you know, the two organizations together.

Mr. Wright: You know the problem with putting on a 13.1 mile event, you have to finish in 13.1 mile or very close to it, and if we move it down the street, it's no long a half marathon and ...(inaudible)... well there's the basketball courts across the street, I mean that's sort of in the ballfield across the street, so it's possible, but it's nothing like finishing on the beach with people going down into the water after they've run 13.1 miles and going into the water and -- but I think we need to sit and talk ...(inaudible)...

Mr. Solamillo: Okay.

Mr. Kalalau: Okay.

Mr. Solamillo: So there's no action, it's just accepting the report.

Mr. Kalalau: Right. Since there's no action and we're here to just make a recommendation -- I mean approval on the -- on the report, will someone make a motion?

Ms. Rotunno-Hazuka: I make a motion that we approve the report for the Maui Surf & Sand Half Marathon.

Mr. Artates: Second.

Mr. Kalalau: Okay, it's been moved and seconded. Any discussions?

Mr. Whelchel: This was very thorough and professionally done.

Mr. Kalalau: Yeah, I would like to second on that too. Thank you for the very good report.

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

It has been moved by Ms. Rotunno-Hazuka, seconded by Mr. Artates, then unanimously

VOTED: to approve the report for the Maui Surf & Sand Half Marathon.

Mr. Kalalau: Thank you.

E. UNFINISHED BUSINESS - none

F. NEW BUSINESS - none

G. SIGN ENFORCEMENT PROGRAM IN THE LAHAINA HISTORIC DISTRICTS

H. DIRECTOR'S REPORT

- 1. U.S. Army Corps of Engineers, Honolulu District, Public Notice of Application for Permit submitted by Atlantis Submarines, LLC, for a project establishing an artificial reef and enhanced marine habitat for**

- commercial passenger submarine tours offshore of Puamana Beach Park, Lahaina, Maui.**
- 2. September 1, 2005 meeting agenda**
- 3. Administrative Permit Reports**
 - a. Demolition Permits - none**
 - b. Historic District Approvals Report - none**

Mr. Solamillo: Next item of business, Unfinished Business, there are no items to be considered. Under New Business, there are no additional items to be considered. Under Sign Enforcement Program in the Lahaina Historic Districts, there are no items. Under Director's Report, there is one communication, U.S. Army Corps of Engineers, Honolulu District, Public Notice of Application for a Permit submitted by Atlantis Submarines, LLC, for a project establishing an artificial reef and enhanced marine habitat for commercial passengers, submarine tours, offshore of Puamana Beach Park, Lahaina, Maui.

Mr. Kalalau: Okay, yes --

Mr. Solamillo: There is also a request for any items which the Commission members might want to have placed on the September 1, 2005 meeting agenda, and Administrative Permit Reports, there are no reports for Demolitions or Historic District Approvals at this meeting.

I. COMMISSIONER'S ANNOUNCEMENTS

Mr. Kalalau: Commissioner's Announcements, does anybody have anything they wanna announce? If not, I do. I would like to put on the agenda again our budget for this coming year because we need to hold a meeting in Molokai and Lanai. Also, I would like this Commission to send a letter requesting our Mayor to approve that, I mean to expedite the enforcement officer's position in Lahaina. And also there's a National Preservation Conference in Portland, Oregon, and usually they send somebody from this Commission to that conference, it's next month sometime, yeah, I have the -- this is the whole guideline for the conference, it's a whole week conference, and it's got all kinda workshops and different groups covering some of the interior standards laws and regulations, also historical communities -- anyway, I'm willing to address this real quick because if we going send somebody next month, it's next month, and we'd like to know if the County going to financially send that person. Usually -- last year it was Dawn and it was recommended that the chairperson and whoever can go, basically, make the trip. I think Dorothy Pyle is going but she's doing it on her own because I think she's already got a commitment in, I think in Oregon, so she might be at the conference too. There's other local organizations too that send their own people, people from museums and stuff, they send members and, yeah, so

--

Ms. Rotunno-Hazuka: Do you -- do you wanna go?

Mr. Kalalau: Looking at this thing, oh yeah, I would definitely like to go.

Ms. Rotunno-Hazuka: And can we send two people?

Mr. Kalalau: Well it was like Dawn and the chair was I know.

Ms. Rotunno-Hazuka: Last time, right?

Mr. Kalalau: Yeah.

Mr. Solamillo: I don't plan to go.

Mr. Kalalau: Yeah, so if they put somebody else in.

Ms. Rotunno-Hazuka: Anybody else wanna go?

Mr. Kapu: I think you the Chair, it's important you go.

Ms. Rotunno-Hazuka: Yeah, the Chair, definitely. Lon, do you wanna go or --

Mr. Whelchel: I went to Denver several years ago and it was great.

Mr. Kalalau: Great, yeah, yeah, I mean just the material in here they're ...(inaudible)...

Ms. Rotunno-Hazuka: I know. I'd like to go. I just don't know if I can. September, so it's like what, Monday through Friday?

Mr. Kalalau: Yeah, but because some of the classes they get workshops and stuff are longer and, you know, you might be in one workshop half a day or they also have a lot of the tours, which is the workshop.

Ms. Rotunno-Hazuka: Right.

Mr. Kalalau: They take you to the historical areas or -- and they cover everything from buildings to malls to highways and bridges, and they also have sections on for architects and, I mean all kind different consultants and stuff too.

Mr. Artates: When is this thing?

Mr. Solamillo: September 27 through October 2.

Mr. Kapu: Right around the corner.

Mr. Kalalau: You know, I don't think you need to do a whole week but I think you need to be there for some of the sessions, yeah, key sessions because the way it's set up, it's like if you only wanna take one session, you can go just to that one session, but I mean it's for the people who live close by, not somebody like us going to come all the way from here, we need to attend at least I think three, at least three to four days or something.

Ms. Rotunno-Hazuka: Right. So anybody?

Mr. Artates: And you need one more person because I don't mind going if it's appropriate.

Ms. Rotunno-Hazuka: No, I mean I definitely wanna go but I can't commit to it so --

Mr. Kalalau: Yeah, I know there's other people from Maui that attends those -- this conference.

Ms. Rotunno-Hazuka: Yeah, I always wanted to go to them and the more we learn, the better we are, but --

Mr. Kalalau: And Oregon, being that the Hana Highway, the belt roads, a lot of the things came from the Oregon guy --

Ms. Rotunno-Hazuka: Yeah, he was so good. That was great.

Mr. Kalalau: Yeah, the engineering and stuff like that, so and just looking in here, they're going to cover the transportation and stuff like that too so --

Ms. Rotunno-Hazuka: Well, maybe, yeah, you go and then we talk to the other guys and if somebody's that crazy about going or if you really -- we'll figure out who else goes. Do we have to like make a vote?

Mr. Kalalau: I think so it's better, I mean we just, you know so Stan can have a better support when he takes it to --

Ms. Rotunno-Hazuka: Well, we'll say that we know our Chair wants to go -- Perry said he wants to go.

Mr. Kapu: Call for the vote on two commissioners being able to go.

Mr. Kalalau: Yeah. Yeah, why don't we call for -- because we have a quorum right here.

Ms. Rotunno-Hazuka: Yeah ...(inaudible)... higher on the totem pole?

Mr. Giroux: What we can do first is if we can get consensus to just modify our agenda and then we can take care of that and then -- because this -- I don't feel this is something that affects the large public, this is internal, but it's not on our agenda so --

Ms. Rotunno-Hazuka: Okay.

Mr. Giroux: We'll just -- we'll call for the vote to modify our agenda and then we can call for the vote to take a vote on who wants to go.

Ms. Rotunno-Hazuka: Okay. So we have to make a motion then to change --

Mr. Kalalau: Yes, to make the modification on our agenda and that would be Commissioner's Announcement.

Mr. Giroux: Yeah.

Mr. Kalalau: Okay.

Ms. Rotunno-Hazuka: So moved.

Mr. Kalalau: Second?

Mr. Whelchel: Second.

Mr. Kalalau: Okay, second by Lon. Discussion?

Mr. Whelchel: I could be an alternate if that position didn't have -- I would like to go but someone that has not gone has to be the priority.

Mr. Kalalau: Okay.

Ms. Rotunno-Hazuka: Okay, so should we make -- make a motion for specifically these two people or should we say just for two people?

Mr. Giroux: I think just make it for two people cause it's a matter of budget, right?

Mr. Kalalau: Yeah.

Mr. Kapu: Two commissioners from this Cultural Resources Commission.

Ms. Rotunno-Hazuka: Okay, you're making the motion. I will, yeah, I make a motion that at least two Commission members be able to go to the conference in Oregon. Is it the National Preservation Act or --

Mr. Solamillo: No, it should be the National Trust for Historic Preservation Conference.

Ms. Rotunno-Hazuka: Oh, okay.

Mr. Solamillo: Which occurs from September 27 through October 2, 2005.

Ms. Rotunno-Hazuka: Okay.

Mr. Kapu: So moved.

Mr. Kalalau: It's been moved and seconded. Discussion?

Mr. Giroux: Yeah, in discussion we could probably -- just so it's in the minutes just nominate the people that you think are going to be the priorities to go.

Ms. Rotunno-Hazuka: Our Chairperson Sam and Perry --

Mr. Giroux: And then backup would be Lon?

Ms. Rotunno-Hazuka: Lon or --

Mr. Giroux: Or any other member who -- okay.

Mr. Kalalau: Okay, second that too.

Mr. Kapu: Second.

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

It has been moved by Ms. Rotunno-Hazuka, seconded by Mr. Kapu, then unanimously

VOTED: two members from the Cultural Resources Commission attend the National Trust for Historic Preservation Conference in Oregon.

Mr. Kalalau: Okay.

Ms. Rotunno-Hazuka: Can I ask something? Are we -- what are we gonna do with this about this Atlantis thing, this really flips me out, I'd like to get some more information? Will it come -- are you giving us the report, I mean --

Mr. Solamillo: The Director's giving you the report.

Ms. Rotunno-Hazuka: Well, and this is the report?

Mr. Solamillo: I just recently saw it and I was kind of surprised too.

Ms. Rotunno-Hazuka: I think it's really gross and I'd like to have some examples.

Mr. Kapu: Can I make a comment to that?

Mr. Solamillo: Yeah.

Ms. Rotunno-Hazuka: Yeah.

Mr. Kapu: Well, basically, because that falls in certain particular guidelines, I think there's some things that are exempt from public review, yeah, because the Corps of Engineers and all those kinds of things --

Mr. Artates: Federal.

Mr. Kalalau: Federal, yeah.

Mr. Kapu: Federal, yeah, so like for us, I might even have an involvement in that as well because we filed a Section 106 to be a consultary to that in our association.

Ms. Rotunno-Hazuka: Oh, you're going to be like a signatory or something or --

Mr. Kapu: Yeah. It's an ongoing process based upon what they're going to do with the Carthaginian, the problem is they can't take it out of the water because that's not even the Carthaginian, basically, it's just a steel haul and when they put the rigging on it, it went sort of wacky, so what they did was they put somewhere around 300 yards of concrete inside the haul.

Ms. Rotunno-Hazuka: So now they can't --

Mr. Kapu: To stabilize it.

Ms. Rotunno-Hazuka: Oh, they can't take it out then?

Mr. Kapu: It's not even listed as a boat. It's listed as a piece of floating debris I think --

Ms. Rotunno-Hazuka: Okay.

Mr. Kapu: And the problem is there's multiple problems with this, major problems, but I don't know whether or not the problem falls within our jurisdiction because you get DLNR, yeah, State, everybody's involved and I don't know where the County's jurisdiction lies in this.

Ms. Rotunno-Hazuka: But they need to sink it, in other words --

Mr. Kapu: Yeah.

Ms. Rotunno-Hazuka: So they gotta find a place to sink it?

Mr. Kapu: Yeah.

Ms. Rotunno-Hazuka: And then in sinking it, it's gonna help tourism for the Atlantis Submarines?

Mr. Kapu: Well, on the Corps of Engineers side it says better for the ocean environment and habitat. We had problems saying that if you going leave the rigging up, then it might be disastrous to the whales and the turtles and, you know, all those kinds of different things, and it might ruin certain traditional fish sites for families that once utilized an area where they going lose their ko`a grounds and stuff like that --

Ms. Rotunno-Hazuka: Right.

Mr. Kapu: So major, major kind discussions going.

Ms. Rotunno-Hazuka: Gotta be.

Mr. Kapu: But the biggest problem with that area, and I wish Keoki Freeland was here, he left already, was they're afraid of its sinking there, if it sinks right there where it's docked, then Lahaina is going to have one eyesore from now until eternity --

Mr. Kalalau: That's right.

Mr. Kapu: Because once it sinks, they can't even move it.

Ms. Rotunno-Hazuka: Because it's so heavy.

Mr. Artates: What's the alternative?

Mr. Kapu: There's no alternative but to take it --

Ms. Rotunno-Hazuka: Take it out.

Mr. Kapu: To a designated site area and turn a fish house into it, basically.

Mr. Artates: But not specifically in the Puamana area, yeah?

Mr. Kapu: No.

Mr. Artates: Can be somewhere else?

Mr. Kapu: Corps of Engineers is looking into an appropriate area.

Ms. Rotunno-Hazuka: Do we have any -- does anybody know if we have any other examples of doing this where we created an artificial reef out in the islands?

Mr. Kapu: All over Oahu.

Mr. Kalalau: Yeah, Oahu. Oahu get a whole bunch of them, yeah.

Ms. Rotunno-Hazuka: And we --

Mr. Kalalau: That Japanese ship that the submarine hit, they use that too as a --

Ms. Rotunno-Hazuka: Okay.

Mr. Kapu: Yeah.

Ms. Rotunno-Hazuka: Oh yeah.

Mr. Whelchel: They have them in Lanai but they're exposed.

Mr. Kalalau: Yeah, Lanai one is, yeah.

Mr. Whelchel: Shipwreck.

Mr. Kalalau: Shipwreck Bay, yeah.

Ms. Rotunno-Hazuka: Yeah, cause you'd wanna know what were the disadvantages and, again, fishing grounds, I mean there's just -- it's just a big can of worm.

Mr. Kalalau: Well, I think what Keeaumoku is saying is important too is because, basically, it goes beyond what everybody thinks about. It also involves the military because they run a lot of underwater testing through these islands and stuff like that, they don't want these big metal thing running interference.

Ms. Rotunno-Hazuka: Right.

Mr. Kapu: Bouncing off the hauls.

Mr. Kalalau: And so this is why the Corps of Engineers is involved too because they have all that --

Ms. Rotunno-Hazuka: Data?

Mr. Kalalau: Under the water strategic plans, you know.

Ms. Rotunno-Hazuka: Yeah, I mean just on face value, to me, it seems gross, it seems like they're doing something for tourism, you know, but obviously I know an artificial reef has a lot of advantages and of course if those are greater than disadvantages, then I'd like to know, but I don't know enough about it, I'm not that --

Mr. Kapu: We also met with Atlantis Subs. They need to, you know, the whole background spill of what the Carthaginian was going be used for and that, hopefully, it's not going to entail to be a part of a battle that took place in 1876, you know what I mean?

Ms. Rotunno-Hazuka: Yeah.

Mr. Kapu: So we're sort of looking in those areas as monitoring also the cultural overlay of what they hope to use the vessel for, I think it's more to them, but you know how the business side is basically in the long run is more to them is to try to help the environment, yeah, not just the economics on their part, so those kind things remain to be seen.

Mr. Giroux: Keeaumoku, who owns the Carthaginian though?

Mr. Kapu: The sub, Atlantis Sub.

Mr. Giroux: Oh, Atlantis? They own it?

Ms. Rotunno-Hazuka: Oh they do?

Mr. Kapu: Yeah. They bought it for dollar from Lahaina Restoration Foundation.

Ms. Rotunno-Hazuka: That's how they're involved. I was wondering.

Mr. Moikeha; I had spoken to the president before all this. He and I are friends. He lives here on Maui. He flies to Honolulu everyday. Local boy. And so I asked Ron, you know, we were just talking about it, and he said they approached him; they approached Atlantis.

Ms. Rotunno-Hazuka: LRF?

Mr. Moikeha: He said we didn't go after it.

Mr. Kapu: Right.

Mr. Moikeha: He said they came to us and asked, you know, I mean just, well, it might be a good idea, you know, and so it's not like he said that we pursued it, he said, you know, they came after us and asked so --

Mr. Kapu: Yeah, and we also met with him. He's a good guy.

Ms. Rotunno-Hazuka: Yeah, he is.

Mr. Kapu: Their intentions are really good.

Mr. Whelchel: If they sink it or scuttle it, it's going to be in 15-foot of water by this map. The mass is going to be exposed.

Mr. Kalalau: They going dismount the mass. All the protruding things they're going to dismount.

Mr. Whelchel: Then the boat's going to be five or six feet below the water level?

Ms. Rotunno-Hazuka: It's gotta greater than 15 feet.

Mr. Kapu: Isn't the map showing 100 feet?

Mr. Kapu: Yeah. Yeah. The rigging they going remove.

Mr. Kalalau: Yeah, the rigging.

Mr. Kapu: The mass is going to stay. Yeah.

Mr. Whelchel: These are 100 feet? 150 feet? I was wondering about the little sailboats and the little ...(inaudible)...

Ms. Rotunno-Hazuka: Well, even the surf, I mean you put some kind of a different obstacle under there and it does change your surf, I mean that's important enough for Puamana.

Mr. Kapu: What a lot of locals said when the kind, you know, those south swells come in, you might see the Carthaginian on the side of Puamana anyway.

Mr. Kalalau: That's a possibility.

Ms. Rotunno-Hazuka: So just wait for them to bring it over.

Mr. Moikeha: So, according to map, there should be like a 35-foot clearance supposedly.

Mr. Artates: From the top of the mass, yeah.

Ms. Rotunno-Hazuka: Okay. Alrighty.

Mr. Kapu: I suggest that we do one re-enactment of the *Fair American* when --

Mr. Kalalau: Boston Tea Party.

Mr. Kapu: Yeah. No --

Mr. Kalalau: Before we sink 'em.

Mr. Kapu: Yeah, there you go. Take the mo`olele out with one cannon and --

Mr. Kalalau: ...(inaudible)...

Ms. Rotunno-Hazuka: Watch all the concrete go --

Mr. Kalalau: Okay, guys, we get the next -- our next meeting date is September 1. Being that everybody is alright with us adjourning this meeting, this meeting is now adjourned.

J. NEXT MEETING DATE: September 1, 2005

K. ADJOURNMENT

There being no further business brought before the Commission, the meeting was adjourned at 11:10 a.m.

Respectfully submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards and Commissions I

RECORD OF ATTENDANCE

Present

Samuel Kalalau, III, Chairperson
Lon Whelchel
Keeaumoku Kapu
Perry Artates
Lisa Rotunno-Hazuka
Kalei Moikeha

Excused

Dorothy Pyle, Vice-Chairperson
Nani Watanabe
Deldrine "Kauai" Kapuni

Others

Stanley Solamillo, Planning Staff
James Giroux, Deputy Corporation Counsel