

**CULTURAL RESOURCES COMMISSION  
REGULAR MINUTES  
NOVEMBER 1, 2018**

**A. CALL TO ORDER**

The regular meeting of the Cultural Resources Commission (Commission) was called to order by Chairperson Ivan Lay at approximately 11:00 a.m., Thursday, November 1, 2018, in the Planning Department Conference Room, First floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

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

Chair Lay: ...(inaudible)... 11 a.m.

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

Chair Lay: Right now I'm going to call for public testimony. If anybody has anything they'd like to testify at this time, step forward, you have three minutes, but if you do testify now, you might -- you won't be able to testify when your agenda item does come up. Any testifiers? Seeing none, moving on to our first order of business.

*Chair Lay read the following agenda item into the record:*

**C. NEW BUSINESS**

1. **Theo Morrison of Lahaina Restoration Foundation requesting design review for plans to repair the historic coral block and rock wall at the old prison in Lahaina, 187 Prison Street, Lahaina, TMK (2) 4-6-008:044, County Historic District No. 1, HDX 2018/0021 (A. Kehler)**

***The Commission may provide design review for projects affecting any building, structure, site, or district eligible for the National Register of Historic Places, pursuant to Subsection 2.88.060.F, Maui County Code***

Chair Lay: And Ann's going to be telling us about it. Commissioner Lori Sablas?

Ms. Sablas: Just disclosure that I'm a board member of the Lahaina Restoration Foundation so I wanted to ask Corp. Counsel about advice. Can I still participate?

Ms. Desjardins: So is there anything about your board membership that would put you in any kind of a situation of not being fair and impartial in listening to this?

Ms. Sablas: I don't think so.

Ms. Desjardins: It's just for -- I think this one is just for design suggestions, so if you feel that you can sit and be, you know, fair and impartial and perform your duties, then I don't think it's a conflict.

Ms. Sablas: Okay. Thank you.

Chair Lay: Back to Ann.

Ms. Kehler: Thank you, Chair. So I scheduled this item, not because I think there's anything wrong with what's being proposed, mostly because I thought it was interesting and I thought that the Commission would find it interesting as well. It's not very often that we get to talk about preservation technology, which is like kind of the science behind historic building materials and construction, and so I asked Theo Morrison, of Lahaina Restoration Foundation, to come today to talk to you a little bit about what their process has been in trying to reconstruct a buttress of the prison wall after it was hit by a vehicle, so I'm going to turn it over to Theo and I'll let her kind of explain what they've done and what they're proposing moving forward.

Ms. Theo Morrison: Thank you. My name is Theo Morrison, Executive Director of Lahaina Restoration Foundation, and we had an unfortunate problem with the Old Lahaina Prison wall, but it's also turned out to be a golden opportunity for us. So what happened was, in June of this year, some person backed up, in the middle of the night, into the prison wall and completely destroyed our -- one of the buttresses, and then they just drove away. So we called in a structural engineer to assess the wall, and he said it was actually fine, there was no damage to the wall, just the buttress itself got knocked over, so at the same time that this was happening, we were working with a restoration architect, named Steve Waite, from Washington State, and he was advising us on some of our other buildings, which I thought would last forever, stone and coral block buildings, but he noticed, when he was visiting, that we -- during the '60s and the '80s, when these buildings were restored by Lahaina Restoration Foundation, they used Portland cement as a mortar, and what I've learned from Steve was that when you use Portland cement as a mortar between rocks, the rocks normally have rocks or coral, the rocks normally have stones, normally have moisture in them with impurities so that moisture needs to get out. When you use lime mortar to put your, you know, your structure together, the moisture goes out through the lime mortar, and then what happens over time is that the lime mortar deteriorates and then you just replace the lime mortar. If you use Portland cement, the moisture will not go out the Portland cement, it just totally plugs it up, so the moisture goes out through the rocks, the stones, but the moisture has impurities in it, when it pushes out through the stones, the face of the stone start to fall off. Now, he called me up on the phone 'cause he was walking by

Seaman's Hospital, and he told me this, and I thought what? This is crazy. And then I went down there, and he pointed it out, and he showed me, and it was absolutely true. So the buildings are not going to fall down tomorrow, but like in 200 years, they will fall down. So with that knowledge, that was, you know, the knowledge that I recently gained, and so then we had this unfortunate issue at the Old Lahaina Prison, but what happened, so immediately I called up Steve and said, "Oh my God. What are we going to do?" And he goes, "Hey, now we have access to the original mortar that was used to put the buttresses together," because the whole thing, as you can see in the picture, it's just like busted down and we had access to that, and he does a lot of -- a lot of his work in Europe 'cause that's where -- where you'll have centuries old buildings, much older than ours, all done with lime mortar, which is why they're still there, and he works with a lab in Scotland. So he suggested that we get the lime mortar samples from the inside of the buttress, and at the same time, we also got lime mortar samples from the Baldwin Home basement, which were the original ones, and we are -- have this other project where we're trying to reconstruct the cook house of the Baldwin Home, which is made out of adobe, which the archaeological remnants are in the backyard of the Baldwin Home, so we got some other samples from there, and we sent it all to Scotland, and what's going to happen is that the Scottish lab is going to, which is supposed to be one of the best, analyze it all, and then Steve will be able to devise a mortar based on that analyst -- analysis, which will be very close to, if not exactly like, the mortar that was originally used. So this is like fantastic. And then he calls me up again, Steve, and he had heard that there was a mason who had worked for the National Parks living in Hawaii somewhere, who had a lot of, you know, experience with stone buildings, and so it turns out he was able to contact him, this guy lives on Molokai, he's a kahu now, Kahu Richard, and he is more than willing to come over and help us with the restoration of this buttress. So then we decided to also use this as an opportunity to teach local masons how to use lime mortar and document the whole process with like a video. And then we, when it first happened, we do have insurance, we have property insurance but our deductible is \$10,000, so we went to the community and said, well, this is what happened. The community was outraged. They all called up - I know the guy that did it - and it got like, well no. You don't have any proof that that guy did it. I mean there was about four or five different guys that did it. But, anyway, so were, like within two weeks, we were able to raise that \$10,000, and it was really -- it was really encouraging that -- that people were so outraged, and half of the people, more than half of the individuals that donated were actually visitors, and the amount of money, the vast majority of the actual money came from the local community, but the number of people, half of them, I thought that was really interesting too because it's not a very prominent site, but these people obviously knew about it so -- so it was great. So it was just a guess that we probably need around \$10,000 to get this started, so we have the money, and we have the expertise, and we have a big plan, probably -- we want to probably do this in the spring of the year, and we're just waiting for our permits to go through. And any questions?

Ms. Albino: Well, I know the man that you talking about on Molokai, he lives at Kaluaaha, at the original Kaluaaha Church building still stands and they used that type of lime mortar back then and coral.

Ms. Morrison: Okay.

Ms. Albino: So he's familiar with rebuilding.

Ms. Morrison: Yeah. Yeah, and all the work he's done for the National Parks that they did that, they used that lime mortar, so, yeah, so it's real exciting for us because this whole lime mortar thing was something I never knew anything about, so we -- I mean if you look, so we have -- I mean like at the Baldwin Home, it's all white, right? That is not a lime mortar and a lime rendering, that's concrete. That all has to actually come off. And inside the Baldwin Home, all the paint is bubbling because the moisture is pushing through, so we have some really big, big, big projects that we're looking at, but now we've -- you know, this is sort of the beginning of the awareness and then the opportunity to teach people how to do this. So it's all pretty exciting, not what I expected, but exciting.

Chair Lay: Commissioners, more questions?

Mr. Bassford: Yeah, can we have a field trip?

Ms. Morrison: You wanna come --

Mr. Bassford: Oh sorry. Just ...(inaudible)... I'm sorry.

Ms. Morrison: You wanna come to our -- yeah, when we -- we're going to publicize when we -- we bring Kahu Richard out and we actually start the process. It's going to be a very public event, plus the video. We'd like lots of people to learn how to do this lime mortar, like all the other historic buildings as well as just regular people, yeah. Yeah, so, yeah.

Chair Lay: Commissioner Greig, have a question?

Ms. Lee-Greig: That was it.

Ms. Morrison: Oh.

Chair Lay: I have a question for you. Okay, I understand the rock mortar and everything. What happens with the coral? Do you use the existing one that fell off or do you guys have to get new ones to replace what was destroyed?

Ms. Morrison: No. All the stones and the coral, the whole thing just kinda went -- just sort of fell over, so nothing -- all that stuff didn't break. It's all still there.

Chair Lay: Great. That'd be hard to replace that's why.

Ms. Morrison: Yeah. We'll just rebuild what's there. Yeah. No, we're not going to go out and get coral.

Chair Lay: Anymore questions or any recommendations at this point also?  
Commissioner Sablas.

Ms. Sablas: I just have a question for Annalise. You know, again, this is a good example of turning -- making lemonade out of lemon, and it really was a good opportunity, so my question to you, Annalise, are there other buildings like this in the -- at different sites that you think could benefit from -- from this knowledge?

Ms. Kehler: Yes. That's a good question. So there's a lot of Hawaiian churches that employed a similar building method that could definitely benefit from this, some of them are built with stone, some of them were built with coral block, but it's important, when doing restoration work with historic masonry, that you understand its components, and you understand what the mortar make up was because if you don't, then, like what Theo said, it can cause -- so if you use Portland cement, Portland cement is really, really hard compared to lime mortar, and so it can cause problems. It causes problems in New Orleans too with the really, really soft brick and a really, really hard Portland cement, it makes the face of the brick fall off. So I definitely think that this is a great opportunity to teach folks about how you can begin the process of fixing or rehabilitating an old building that uses a similar construction method.

Ms. Sablas: Again, the other comment then I have is remember we had this -- the native indigenous architecture process that's kinda like put on the -- the backburner, so would this type of process be, I think, applicable to that? 'Cause now, you know, I see they use, for foundation, they use cement and I mean thinking if you're learning from that, that goes back further, and it's proven in Europe that it's longer lasting, could that be incorporated as we develop this Native Hawaiian architecture, incorporate it into the - as a comment?

Ms. Kehler: I think that's a good question to raise during the process of discussing changes that are needed to that ordinance for sure. I think that's a very good question that you raise and I'm going to write that down.

Chair Lay: Okay, so that's all under design change if we're changing, you know, if that does come around where they are changing the base itself. I know the -- the look itself is going to be the same, right?

Ms. Morrison: Oh, you're talking about the prison wall?

Chair Lay: Yes. Yes. You're not changing any --

Ms. Morrison: No, we're going to ...(inaudible)...

Chair Lay: Shape or anything?

Ms. Morrison: The same way, it's just the glue that's sticking it together is going to be lime mortar as opposed to the -- the Portland cement, and then, eventually, we'll -- the issue with when like a building has the Portland cement in it, and you wanna replace it with lime mortar, you have to take out Portland cement, so that's a huge, huge job. But, so, yeah, we're going to be busy for like centuries here, but we're going to save our buildings.

Ms. Albino: I think the consideration you have to replace with those material that are indigenous is very important to maintain its integrity 'cause I've been to different places on Molokai where they have stone structures but they are still in place in Moomomi that they've been weathered far beyond any what I think humans can weather with the modern material and so they're unique in that way they put together these indigenous material found in those areas to keep it the way it is so I think it's important.

Ms. Morrison: That's all. That's all I have.

Chair Lay: Okay. Commissioners, any more questions? If not, thank you very much. Okay, moving on to our number 2 item.

*Chair Lay read the following agenda item into the record:*

- 2. Ronald and Lei Ann Durant requesting approval of plans to demolish a home at 560 Luakini Street, Lahaina, TMK (2) 4-6-007:020, Lahaina National Historic Landmark District, HDX 2018/0008 (A. Kehler)**

***The Commission may approve or deny the plans pursuant to subsection 19.52.020.A, Maui County Code***

Chair Lay: And Ann will be telling us about that also.

Ms. Kehler: Thank you, Chair. So, like you mentioned, this home is at 560 Luakini Street. It's within the boundaries of the National -- the Lahaina National Historic Landmark District. The State Historic Preservation Division looked at this permit, and they referred it to the Cultural Resources Commission, and, essentially, their letter says

that they will not conduct a historic preservation review until you've acted on the permit. So the home, you know, I looked at Real Property Tax records, it looks like it was built between 1952 and 1953. It was identified as eligible for the National Register as a contributing resource in the 2015 Architectural Survey of the Landmark District, and because of its determination as a contributing resource, it meets the definition of a building of historic significance in 19.52.020.H, of the Maui County Code, so that means, basically, that you have approval authority over it. So anything in the NHL, the National Historic Landmark District, that has that significance, it meets that significance clause, you have approval authority over it. So the survey classifies the home as plantation style, and it associates its construction with development trends that occurred in Hawaii during and after World War II.

I did a little bit of research on the property and it is -- the property was acquired in 1942 through a Land Patent Grant from the Territory of Hawaii to Birdie Keanini, and according to Real Property Tax, she held the title to the property through 1955, but in 1949, she leased the property to the Latter Day Saints Hawaiian Mission, and the term of that lease was 10 years so, based on that information, I'm assuming that the Latter Day Saints Church probably built this home, I wasn't able to confirm that, but that was my guess.

So, you know, the County Code basically says that the Commission shouldn't approve -- can't approve the demolition of a building that's eligible for the National Register unless it meets one of the 3 criteria that's list listed on page 5 of your staff report.

Okay, so the first criteria that Public Works or the State Department of Health deems the building a hazard to public health or safety. The second one is that the building or structure is a deterrent to a major historic restoration or preservation program. And the third one is that the building or structure is of low priority and its retention would not materially contribute to the integrity to the Historic District.

Okay, so on September 4<sup>th</sup>, a building inspector by the name of Bryce Dakins, with the Department of Public Works, inspected the home and determined that it is unsafe "due to extensive termite damage to framing members of the dwelling." So Mr. Dakins ordered that the home be vacated immediately and not reoccupied until authorized by the building inspector. So in his letter, which is part of your staff report, he gives the applicants until December 18<sup>th</sup> to do one of the following: Repair or demolish the structure, or retain the services of a structural engineer or architect, licensed in the State of Hawaii, to certify that the structure is safe.

So regarding the plans to demolish the home, you have two options. You can approve the plans, or you can deny the plans. If you approve the plans to demolish today, then there are documentation requirements in the County Code. If the documentation -- so what it says, basically, is if you approve a demo of a home that's significant, the house

needs to be documented according to Historic American Building Survey standards. The code also gives the Commission the option to waive this requirement if they don't feel that it's necessary, so, basically, you have 2 decisions that you need to make. Well, one, the first one is that you need to approve or deny the plans. If you deny the plans, then, obviously the documentation requirements don't apply. If you approve them though, there's this documentation requirement that you need to consider as well, and staff is not making a recommendation. We're going to leave it up to the Commission to - to make this decision.

Chair Lay: Very safe move.

Ms. Albino: May I ask what kind of building material, what kind of wood was used with that structure?

Ms. Kehler: That's a good question. It could be redwood. That was pretty popular at the time of its construction. It's covered right now with I think aluminum siding, but underneath is wood.

Ms. Albino: The reason I ask is because I know Philippine mahogany, if you built a home with Phillipine mahogany, the trimming is not Phillipine mahogany, it would be termite -- it could be destroyed, but not Phillipine mahogany, so are we looking at the trimmings or the entire structure, you know, infested and just termite eaten, is that --

Ms. Kehler: So, based on, you know, what I read in the inspector report, which is part of the staff report, they're saying that the structural members had termite damage and that's why it's unsafe so --

Chair Lay: Everything.

Ms. Kehler: Yeah. That's what I'm assuming. Yeah.

Chair Lay: Commissioner Sablas.

Ms. Sablas: Actually, I have a question for Theo. I'm glad that you're in the audience. We're familiar, I'm familiar with this building and I know you are, have you had the opportunity to look at it if there's any salvageable, you know, doorknobs or things that the Foundation could use, you know, like the Arakawa home that we had restored, is that something -- I'm for demolishing it, but, you know, before we demolish it, we should maybe look at things we can salvage?

Ms. Morrison: Yeah, we haven't actually looked at that building but we're always willing to -- to look at buildings for things we can save. Yeah, so we'd be happy to if you guys decide to demolish.

Ms. Sablas: Could we put that as one of the conditions, Annalise, that we have the Foundation look at the home for salvageable materials should the Commission decide to demolish it?

Ms. Kehler: I think that's a good suggestion. Let me defer to Mimi though to -- I'm not sure if that would come in the form of a condition or of a suggestion, a comment.

Ms. Desjardins: So this is a privately owned building, so I suppose if what they're requesting is that it be demolished, you could put a condition like that and then say but on the condition that if there's anything salvageable or that you allow access or something to Lahaina Restoration Foundation or something to look for salvageable things, but I've never heard of that before, I mean asking or requiring a private property owner to do that, so I would have to probably get back to you because that seems like it's --

Ms. Sablas: Or it could be a recommendation.

Ms. Desjardins: It could be a recommendation but since this is a -- you know, you're either approving or denying --

Ms. Sablas: Oh, okay.

Ms. Desjardins: It seems like it would have to be something that you would have to just -- I guess you could advise or encourage them, say we're going to allow you to demolish it but we would encourage you to get in touch with those folks to see if there's anything of value 'cause it could be that there may be things of value and maybe the property owner is going to take those things off themselves and use it to recreate another building or something, so it gets a little bit sticky because they're private property owners.

Ms. Sablas: Thank you.

Chair Lay: Commissioner Skowronski.

Mr. Skowronski: In your research, did you find any building permits for this property, for this structure?

Ms. Kehler: I did not find the original building permit, but I did find one I think from the '70s that was enclosing the back lanai area.

Mr. Skowronski: But the main structure itself, there's no evidence of any building permits ever being issued for it?

Ms. Kehler: I could not find one but, you know, the record keeping for that period is spotty at best. It's sometimes we have them, sometimes we lost them, or they got destroyed.

Mr. Skowronski: But -- but the tax office has records of this, so they've been paying their taxes since the '50s on the structure. Is the structure single-wall construction?

Ms. Kehler: Yes.

Mr. Skowronski: So in the event that we don't approve the demolition, they really could not rebuild the structure legally as it is existing because -- well, if in fact there's no building permit and if in -- and the County doesn't allow a construction of single-wall residences anymore, then -- then you wouldn't even be able to reconstruct it in its present form. Is that true?

Ms. Kehler: I don't think that's accurate because we have a number of single-family plantation style homes that have been restored quite nicely and well, 450 Front Street is an example of that where the outside looks the same but the carpenter went in and framed up the walls so that the interior is drywall and it meets the code. There are other examples that the single-wall structure is still there but they were able to restore the home.

Mr. Skowronski: So they would have to reconstruct the home structurally but keep the exterior look the same?

Ms. Kehler: They could do that.

Mr. Skowronski: Okay.

Chair Lay: I have a question. Okay, so say we do allow the demolition, any project that comes in afterwards to build another house or anything would come before us because it is in that area, right?

Ms. Kehler: It would come before you for design review, but you wouldn't have approval authority because it no longer involves a building of historic significance, it's just inside of the National Register District. If it was in the County Historic District, you would have approval authority for a new building, but because you're outside, we only have approval authority for significant buildings.

Mr. Skowronski: Does the demolition also include the demolition of the kennel? Is that a structure?

Ms. Kehler: Yes, I believe so. That's what it shows on that demolition plan. The other thing that I wanted to point out that I didn't point in the staff report is that there is a rock wall at the front of the property, and I'm not sure what the applicant plans to do with that, but I did want to point that out.

Ms. Albino: If that rock wall is a historical piece, it should be preserved because the more you take away, you lose the ...(inaudible)... my aunt lived there, she passed away, she was a centenarian, she's actually my cousin, Addie Sylva, she lived on Luakini, so I'm familiar with that place.

Ms. Kehler: Okay. Yeah.

Mr. Skowronski: There's -- there's a rock wall also on the west boundary line of the property?

Ms. Kehler: Yes.

Mr. Skowronski: Is that on the property?

Ms. Kehler: It says rock pile wall lies on boundary.

Ms. Desjardins: Can I say something?

Chair Lay: Go ahead.

Ms. Desjardins: So, Annalise, maybe you can clarify for the members regarding the rock wall that if there was an action that they wish to take with that rock wall, they would have to come in as a separate thing so --

Ms. Kehler: Yes.

Ms. Desjardins: Regardless of what happens today, that rock wall does not get touched unless it comes before the --

Ms. Kehler: Yes.

Ms. Desjardins: Commission.

Ms. Kehler: That's a good thing probably to write in the letter as well because I'm not sure if the applicant is aware of that.

Mr. Skowronski: Can we make that as a recommendation or as a condition of our decision?

Ms. Kehler: I think you can state it just how Mimi stated it.

Ms. Desjardins: Right. I would suggest something along the lines, for example, you could say we've approved the demolition, however, we note, as a Commission, that as far as any action revolving around the rock wall, that's a separate matter that needs to come before us, so just like an FYI for them as opposed to a condition 'cause it is a matter of law that they've gotta come back to -- to you folks for approval on that.

Ms. Sablas: So do you know what their plans are to demolish and rebuild?

Ms. Kehler: I asked the applicant that and he said he doesn't know. His main goal is to demolish the home.

Ms. Sablas: So then it would probably remain as a vacant land for a while until a decision made?

Ms. Kehler: Probably. Yeah.

Chair Lay: But it doesn't have to, right? They can actually get a permit right after that to build something, right?

Ms. Kehler: They could.

Ms. Desjardins: I have one more clarification, Annalise. As far as the -- the RFS that instigated the letter from the building -- from Public Works, was that via complaint or did -- do you know whether or not these folks have approached the County about needing to demolish it 'cause they do wanna rebuild something?

Ms. Kehler: So this was an owner-initiated RFS because when the applicant came in, we informed him that he would -- we can't approve his demolition unless we have a letter from Public Works stating that the building is unsafe.

Ms. Celiz: So just to clarify, if we do approve to demolish it, it's no longer a historical structure so there's no guarantee that whatever new structure takes its place will be similar or consistent to whatever the original structure was?

Ms. Kehler: That's correct.

Mr. Skowronski: This issue came up a couple years ago about a demolition in Lanai. If this -- if this Commission does not allow for the demolition, and the -- then what happens with the structure? The structure stays in place as is?

Ms. Kehler: Well, the letter from Public Works gives him, the applicant options. He can repair it, or he can get an architect or an engineer to certify that the building is safe.

Mr. Skowronski: Alright, he has three options. He can repair, demolish, or get some documentation that it's actually in good shape or not a hazard.

Ms. Kehler: Yes.

Mr. Skowronski: Okay. So if this -- if we go through and say that we do not want -- we do not allow for the building to be demolished, and by leaving the structure in its existing condition, someone goes onto the property and commits a crime, gets injured, or there's some bodily damage to someone on the property, is this board liable for that damage or that injury because we did not allow a hazardous condition to be removed?

Ms. Desjardins: I would say no and one of the reasons why is because I believe it was in the letter that it's stated they needed to take action to ensure that it was monitored or closed up or something, so Public Works is also reminding these people they have a burden here to safeguard the public from this property. So I would say no. We're not -- this Commission would not be liable or the County of Maui would not be liable because you have the authority to approve or deny. Then it's what they decide to do with it is up to them. But having said that, you can see the burden that would be placed on them to have to revamp this property but, yeah, they're responsible for it liability-wise.

Mr. Skowronski: But they are taking the action in applying for a demolition permit, so they fulfilled their -- their requirement. By us denying the demolition permit, now are we not placing the owner in a liable position?

Ms. Desjardins: You know, I would, I guess I would go back and think of it like this, when you go in to purchase a piece of property like this in an area that has all of these types of conditions, the owner should probably do their due diligence before purchasing this and say what am I getting myself into, what are my options here, so, again I would not -- the ordinance gives you those powers and duties, but it doesn't put on this committee or this Commission or the County any additional liabilities because of its powers and duties.

Ms. Albino: May I ask if there were any community input regarding this structure? What did the community -- have they come up with any response or comments regarding that?

Ms. Kehler: You know, that's a good point that you bring up. In other historic, you know, programs, sometimes there are notification requirements whenever a demolition goes up, the neighbors have to be mailed something so that they have the opportunity to comment. In our Historic District Ordinance, we don't have that requirement. The

only thing that we have is just, you know, we have to follow the Sunshine Law, so we have to post it on an agenda, which is available to the public, and post the staff report online, and from what we posted, we did not get any comments from any neighbors.

Ms. Sablas: Well, I am familiar with the neighborhood and residents in the neighborhood and it is an eyesore. It's an eyesore for you to -- for neighbors to live there and maintain their property and across the street you see this dilapidated, you know, home. I would think they'd be happy it was demolished because it really is in bad shape.

Mr. Skowronski: Well, what are the recommendations of the Planning Department on this issue?

Ms. Kehler: We're not making one.

Chair Lay: Commissioner Sablas.

Ms. Sablas: If I may comment, you know, while I am in favor of demolishing this building, it brings up a concern about the change of character of a new building that comes up in Lahaina because, you know, growing up in Lahaina, I've seen the change of old plantation style homes change into mega-mansions, and it's changing the -- just changing what Lahaina is like, so I don't know what we can do. That's my only concern about demolishing something like this because what's going to be next? And, you know, is there's anything in place? I don't think there is. I think we talked about it. And that would be my -- you know, if we continue demolishing some of these old homes, then we're going to change the whole character of Lahaina, so it's just a concern that I have.

Ms. Celiz: I, too, agree that it is an eyesore on Luakini Street anytime you walk or drive by there, but again, yeah, I am more concerned about the change of character in that there is no guarantee what's going to take its place and, for that, I don't know if I can agree with the demolition.

Chair Lay: I mean for me, we might reach that point where we're just squeezing out all this historical evidence with new building and it doesn't become a historical area after that, and, like you said, if we could make a condition saying at least mandating some plantation look, it would be great, but I don't know if we can at all. Well, we can't, right?

Ms. Kehler: Yeah, because there's no approval mechanism for new construction in this district, it's -- we can't mandate anything, we can comment and suggest, but we can't mandate.

Chair Lay: Commissioner Celiz.

Ms. Celiz: I think it is a -- it's more of a burden on the owners to repair it, but it is possible to be repaired with its existing structure. Is it?

Ms. Kehler: Well, according to Public Works, they have the option to repair or demolish.

Mr. Skowronski: If there's structural damage though, the definition of "repair" is being stretched beyond its normal bounds. They would actually have to take the entire structure down and replace it in-kind. "Repair" usually means that you can use portions of the building as an armature or skeletal frame, and then repair the exterior, but if in fact there's structural damage, you're going to have to take this down to the ground and repair and rebuild it, are you not?

Ms. Kehler: Well, single-wall homes are not very complicated with their structural framing. They typically have like 4 posts, and then a header, and a sill, and everything is nailed to that, and I think this home also has a girt, which is the exterior band, so, structurally, it's not -- it's not complicated.

Mr. Skowronski: Well, it may not be complicated, but it appears to be post and pier, and if, in fact, there's structural damage, I'm assuming that that means the structural floor has also been compromised by termites, so you couldn't building on top of that either. Is that true?

Ms. Kehler: I don't know if that's true.

Chair Lay: But everything would have to be brought up to code, right? Any changes would have to follow the County Code of now days compared to what it was back then, so there would be ...(inaudible)...

Ms. Kehler: Not necessarily. Not necessarily. It just depends. It really depends on what is exactly needed to make the home habitable again.

Chair Lay: Commissioner Celiz.

Ms. Celiz: When you gave that example of 450 Front Street, was that structure deemed unsafe or was that just a repair? Are there other examples of unsafe structures that were repaired?

Ms. Kehler: 450 Front Street was in shambles. It was missing pieces of its wall. The walls were like crooked. The floor was falling down. It was really, really, really bad. So the guy went through it piece by piece and picked out what he could save, and then replaced in-kind what he couldn't save, but it was really, really bad. I'm trying to think of another example for you.

Chair Lay: So, today, we're either going to approve or deny the plans in pursuant to the demolition, right?

Mr. Skowronski: And documentation.

Chair Lay: And documentation. Commissioner Bassford.

Mr. Bassford: Compared to the 450 Front Street, what does this look like, better or worse?

Ms. Kehler: It looks better.

Chair Lay: Okay, Commissioners, we went through discussion. Any motion on the floor on this as far as what we're going to do?

Ms. Celiz: Can I put a motion to deny?

Chair Lay: Motion to deny. Do I have a second?

Ms. Albino: I second.

Chair Lay: We have a motion and a second. Any comments before we go on? Okay, I'll call for the vote then. All those in favor of deny? And those against? Motion passes.

**It was moved by Commissioner Yvette Celiz, seconded by Commissioner Louella Albino, then**

**VOTED: to deny the request of Ronald and Lei Ann Durant.**

(Assenting: L. Albino; I. Bassford; Y. Celiz; T. Lee-Greig; M. Ropa; L. Sabas)  
(Dissenting: F. Skowronski)  
(Absent: C. Kajiwara-Gusman)

Ms. Desjardins: Okay, so according to the ordinance, 19.52.020, Review of Plans, if there is a denial, if the -- under Section E, If the Cultural Resources Commission approves -- or disapproves such plans, it shall state its reasons for doing so and shall transmit a record of such action and reasons in writing to the Director of Public Works and the applicant. The Cultural Resources Commission may also advise the applicant what it thinks is proper if it disapproves the plan submitted, and then the applicant can make modifications. So, correct me if I'm wrong, Annalise, on this, but it seems to me that since the disapproval, since it's been disapproved, I suppose one thing that the Commission could do would be to give suggestions to the applicant as to something

that they could do to get you to approve the demolition, and I don't know whether that could be, for example, we promise to build a similar home, and then it would come back before you, and you could decide whether to reconsider. Is that your understanding, Annalise?

Ms. Kehler: I haven't thought of it that way, but that sounds pretty good to me.

Ms. Desjardins: Well, you definitely, on a disapproval, you have to state why.

Ms. Kehler: Why. Yeah.

Ms. Desjardins: So that would be step number one. Step number two could be to set forth some reasons or possible modifications to the plan, the plan being to demolish, and if you wanted to suggest something, maybe this would be the time to vote on that and come up with a plan to give them so they don't just get a disapproval and no guidance as to what to do next.

Chair Lay: Commissioners?

Ms. Albino: What would a restoration plan look like in light of this?

Ms. Kehler: It's hard to say without having, you know, an architect or an engineer look at it and give an assessment.

Chair Lay: So would the Commission have to have, what Corp. Counsel said, put on paper as far as why we're not approving so far? Okay.

Ms. Celiz: I think one of the reasons why is that it is possible to repair and that demolishing the structure is -- has potential impacts about the change of character that would come forth afterward.

Chair Lay: And, as a body, we're trying to preserve that.

Ms. Celiz: The original historic structure.

Ms. Kehler: Commissioner Celiz, could you repeat the second part again, so I got the first part that it's possible to repair, what was the second part?

Ms. Celiz: Is that we're trying to preserve the original historic structure and that demolishing it would create a potential change of character in the community.

Mr. Skowronski: Could we -- since we can't enforce it, can we suggest that the board would approve of a demolition if in fact the applicant were to come back with plans that

showed the replacement to be in character with the existing structure and guidelines of the Historic District, so we tie the two together? I mean if we have no control over the construction after we approve the demolition, can we tie in an approval of the demolition by approving the proposed replacement?

Ms. Desjardins: So that would be my suggestion, from reading 19.52.020, that this Commission would have the authority to say it is possible that we would approve your plans if you came back with these suggested modifications to the plan because the plan right now is just demolish, that's all you know, you don't know what they plan on doing. So what I would suggest is that you come up, first of all, with your record, you state on the record the reasons why you are choosing, and Ms. Celiz has stated one, if anybody has any others, and then move into a motion to include things, like you just said, what would we suggest or what would you suggest this applicant do if they wanna come back, otherwise, they're gonna just go do -- they're going to go fix it or -- consistent with the Public Works letter.

Ms. Albino: I agree with that because once a landowner builds, we will have no control over what happens thereafter. It may set a precedence for other structures to model after this change, and so it's a dangerous thing to do in a historical, an identified historical place.

Ms. Desjardins: So other than Ms. Celiz's reasons on the record, are there other reasons that caused, those of you who voted to deny the -- the plan, anything else you want to add?

Mr. Skowronski: Well, at what point or how could we add the concept that we would review a subsequent -- reapplication for demolition if it were coupled with a building permit app that reflected the new construction to replace the demolition that would be in keeping with the historic nature of the neighborhood so that we're giving the -- we're giving the owner an option to either repair it as existing, sell the property and get out of town, or actually apply -- reapply for the demolition permit coupled with a permit for new construction that we would then review toward the approval of the demolition? How do you phrase that?

Ms. Desjardins: So I think, procedurally, it would be better for us to exhaust our list of reasons why denial was -- took the majority vote, and then, after that, make a motion to add conditions to the denial that you all agree to to go out there with the letter of denial to give guidance to the applicant, so I would say let's do the first part and then the second part as a motion that you would all support.

Chair Lay: Commissioner Bassford.

Mr. Bassford: Did the applicant hire an engineer and an architect to even look or did they just go for option B, the easy one?

Ms. Kehler: No. They did not hire an engineer or an architect, to my knowledge. I think they're wanting to go with demolition.

Mr. Bassford: Simply because it's an eyesore and they don't want to have to deal with it?

Ms. Kehler: Right. So when I spoke to the applicant, he said that he's concerned with homeless people in the area because the house is vacant so he's concerned with people getting in there.

Mr. Bassford: Sure.

Ms. Kehler: Yeah.

Chair Lay: So something like, with so few homes remaining in that -- in that historical area of that era, that seeing another one be taken away would affect the whole character of that -- I don't if you say "character" -- the whole historical area?

Ms. Desjardins: Yeah, I think that ties in with Ms. Celiz's, you know, is it possible to repair, and then I think Mr. Bassford brought up a good point, one of your reasons for denial, it sounds like is, not enough information to know whether a structural engineer was ever even consulted to determine what would be the process to try to renovate this home as opposed to just simply demolish it.

Chair Lay: Good.

Ms. Desjardins: So that would be a reason why you might deny it.

Ms. Lee-Greig: I have a question.

Chair Lay: Commissioner Greig.

Ms. Lee-Greig: Annalise, have there been any other instances where -- like this where you have a -- there is a historic structure and the desire is to demolish and a request for inspection was done by the landowner? My concern is that this may set some kind of precedent for neglect in a Historic District resulting in applications for demolition because of unsafe -- unsafe structures.

Ms. Kehler: So I'm going to make sure that I heard this correctly. You're asking if this is the first time that an applicant has initiated Public Works inspection on their own. To my

knowledge, yes. There was another incident where a home on Lahainaluna caught on fire and Public Works, on their own, issued a letter saying that the home needed to be demolished. That's the only other instance where I can remember, since I've been here, that Public Works issued a letter and it wasn't owner initiated.

Chair Lay: Commissioners, any more reasons that we might be able to use to deny this demolition? Do we have enough?

Ms. Albino: I'm sorry. I have a question. Is there any record of uses before construction of that -- that building? What was that area used for? Is there any record of it with that -- in specific ... (inaudible)...

Ms. Kehler: There are Sanborn Maps of that area from 1914 and from 1950, and it looks like there was a structure on that parcel or in that area as early as 1914, what that was and what it looked like, I do not know. I'm not sure.

Ms. Albino: There's no moololo, nobody there that can confirm any history of the place that you know?

Ms. Kehler: I am sure that somebody could. Yeah, I'm sure that somebody knows. I'm sure that there's somebody out there who has historical background on that property or that area.

Chair Lay: Commissioner Greig.

Ms. Lee-Greig: So that area, before around that time frame, there used to be a school there across the street. I think the landowner across the street is the old landowner for Peggy and Johnny's, from Kahului Shopping Center, so that property there used to be a school there, and I think there were associated buildings on the other side of Luakini Street. And then Luakini Street itself is fairly significant from the time of the Kingdom and breaking through the street -- the trees there for funeral procession, and then I do believe that that is heavily concentrated Land Commission Award area.

Ms. Albino: Because -- because I have ohana from there, you know, and their moololo is of that specific place.

Chair Lay: Commissioners, at this time, if we can make a motion --

Ms. Desjardins: I have one more thing. So might wanna include this in your list is a lack of information regarding the historical context specifically of that neighborhood to understand what the impact of demolition would be on that. I think that's a good point that you're raising.

Ms. Albino: The only ...(inaudible)... on that is because my family lived there, Napuuone, and Napuuone is a kahuna that tells you where to build and that was where they lived, I don't know the exact place, but like I said, my cousin, Addie --

Ms. Sablas: Yeah, I know her.

Ms. Albino: Lived there and her father, Namauu, that's our lineage, that's how come I know. I just wanted to make sure, you know, those historical places, with their moololo are presented before we decide. Sometimes those are significant information elements that need to be considered.

Ms. Sablas: If I'm not mistaken, I don't know if you know that, I mean isn't it adjacent to David Malo's home by that corner with the mango tree? I think -- I think, you know, so that place has significant historical history, that whole street. Yeah, it was the funeral procession of the ali`i at one time.

Chair Lay: So all these items will be listed as our reasons for denial.

Ms. Kehler: So I just wanna make sure that I got that right. So one of the reasons is lack of historical info on neighborhood to understand how the demolition would affect the area. Is that correct?

Ms. Sablas: And then maybe you wanna add input from the neighbors, lack of comments from the neighbors.

Ms. Albino: Maybe they could come up with something that like what he suggested.

Mr. Skowronski: Well, the primary reason for denial is the lack of control of what is going to replace -- be replaced. That's -- that's the major reason for the denial. Am I correct?

Ms. Desjardins: I guess I would caution against saying there's a primary reason and then ancillary reasons. I would just put all the reasons out there and say here's the list of reasons why, so this isn't just an arbitrary and capricious action that we just took, and then you can -- you folks can move into I would put it in a formal motion the specific things that you would like to see this applicant perform in order to come back and possibly consider demolishing it, if that's what you choose to do. You're required to put your reasons on the record for why you denied it; you can put reasons on the record as to why you may reconsider that if you would like.

Chair Lay: Quick question. Annalise, on the photograph at the top left-hand side of the building, what does that sign say?

Ms. Kehler: I believe it's an advertisement from like an environmental --

Chair Lay: It's not historical stuff. Okay.

Ms. Kehler: Cleaning like environment, I forgot what they're called, like I think it's like a blood remediation company.

Ms. Lee-Greig: Is it possible to hear back the -- the list of reasons and how it's going to be presented in a letter?

Ms. Kehler: Sure.

Ms. Lee-Greig: Or sort of draft?

Ms. Kehler: So the first reason you would deny is that it's possible to repair, you know, and then along those lines, we don't have enough information to determine whether an architect or an engineer has assessed the home and determined what it would take to repair the building or whether it's possible to repair the building. The other reason is that we're trying to preserve this historic building and demolishing the home would change the character of the district. Another reason is lack of information on historical -- lack of historical data on the neighborhood that would help us understand how the demolition would affect the area. And then lack of comment from the neighbors.

Ms. Sablas: Is there any reason why the applicant's not here today?

Ms. Kehler: They live on Oahu.

Ms. Sablas: Okay.

Ms. Albino: I was looking at the preservation philosophy, the very first, you know, item is identify, retain, and preserve before we look at demolishing, and it states it clearly here in that first item, identify, retain, and preserve, and the last sentence is whenever possible, those features should be retained and preserved rather than altered, covered, destroyed, or replaced in order to prevent loss of character, so we're just keeping in line with what we're supposed to be thinking and considering when these issues come up. It's part of our job.

Chair Lay: But quick question. It has been deemed unhealthy, right, by the Board of Health, right?

Ms. Kehler: Not to my knowledge. No. What we're considering is the letter from Public Works determining it unsafe.

Ms. Albino: So if it's dangerous, in the item 4, to replace if it's considered dangerous, then, you know, it may be appropriate, but that has to be confirmed. There's a lot to consider.

Chair Lay: Do we have enough reasons to make this valid as far as we're saying that we don't approve of the demolition at this point?

Ms. Desjardins: Well, this is a contested case hearing so they have the right to appeal, so my suggestion is if you feel satisfied that you have enough -- you've put enough on the record to reflect your reason to deny it, then that's what you're going to go up on, but there's no law that says this is enough or that's not enough, that's really for the Circuit Court to determine.

Mr. Skowronski: Can I offer a motion that gives the owner another option that goes along with the reasons for denial or is that a separate issue?

Ms. Desjardins: If you're ready for that, yeah.

Chair Lay: Okay. Yeah. 'Cause the motion was already ...(inaudible)...

Mr. Skowronski: Right. You've already approved the denial.

Chair Lay: Right.

Mr. Skowronski: Okay. Along with the reasons, I would like to offer a motion that the Commission would consider review of a resubmittal of the demolition permit if it were coupled with a building permit application reflecting the replacement construction consistent with the scope, scale, character, and guidelines of the Historic District.

Chair Lay: We have a motion on the floor. Any second?

Ms. Albino: Second.

Chair Lay: We have a motion and second. Any discussion on the motion?

Ms. Kehler: Chair, if I may ask a question? What if the applicant doesn't want to build? I mean what if they don't want to give you a new building permit like --

Ms. Desjardins: Well, under the ordinance, they don't have to come back.

Ms. Kehler: Yeah.

Ms. Desjardins: So what -- what the Commission would be doing is saying here's what -  
- why we're disapproving, here's what we would suggest under Section E, but it's up to  
the applicant whether they want to choose to go that route --

Ms. Kehler: Got it.

Ms. Desjardins: Or they wanna just go ahead and just do their own thing --

Ms. Kehler: Okay.

Ms. Desjardins: And not demolish.

Ms. Kehler: Got it.

Chair Lay: Any discussions on the motion?

Ms. Celiz: Could we add it's in the CRC preservation philosophy that to replace only if  
the extent of damage precludes repair, so if there's proof that the extent of damage?

Chair Lay: But that would be separate from your motion.

Ms. Kehler: Chair, if I may? So we haven't formally adopted that through rule-making  
procedures yet, so we can't use it. It's just something for you guys to keep in the back  
of your mind as far like what historic preservation is, but until we adopt those through  
formal rule-making procedures, I would just refrain from using them as a point of  
reference and decisions.

Chair Lay: Okay. Any questions or any discussion on the motion that we have on the  
floor? Seeing none, we'll call for the vote. All those in favor? Okay, unanimous.  
Motion carried.

**It was moved by Commissioner Frank Skowronski, seconded by Commissioner  
Louella Albino, then**

**VOTED: that the Commission would consider review of a resubmittal of  
the demolition permit if it were coupled with a building permit  
application reflecting the replacement construction consistent  
with the scope, scale, character, and guidelines of the Historic  
District.**

(Assenting: L. Albino; I. Bassford; Y. Celiz; T. Lee-Greig; M. Ropa; L. Sabas; F.  
Skowronski)

(Absent: C. Kajiwara-Gusman)

Chair Lay: And that should be it for that agenda item. Moving on. Okay, Unfinished Business.

*Chair Lay read the following agenda item into the record:*

**D. UNFINISHED BUSINESS**

**1. Discussion on effort to update the Cultural Resources Management Plan for Maui County from 1984 (A. Kehler)**

***The Commission may discuss the effort to update the Plan pursuant to Subsection 2.88.060.A, Maui County Code***

Ms. Kehler: Thank you, Chair. So I'm going to keep scheduling this item on a monthly basis just to keep you guys informed about progress and then to allow you guys to ask questions or provide comments if you have any thoughts about what this plan -- what issues there are with historic preservation in the County. So since last month, I have -- I presented to the alliance of community associations about this process, and then, last week, we started with the consultant stakeholder interviews with different interest groups. So we've talked to some people in different County departments, we've talked to some historical organizations - I'm trying to think of -- we talked to one tourism organization, and a number of other folks, and we'll be continuing with a few more of those in the coming weeks. And then, right now, I'm writing stuff to go on the project website, and so once all that stuff is done, I'm going to have the consultant post it on the project website, and I'm going to get it reviewed by everybody that I need to get it reviewed by, and then we'll the post the -- we'll go live with the website. And, you know, originally I think we were planning on having community workshops in November, but it's November already, so we'll probably do it in January when everybody is pau with vacation and traveling, and we're also going to develop an online survey that's going to allow people, like if they can't come to the workshops, they can give input that way, and we're still taking suggestions from different stakeholders about who else we should be talking to. But, like I -- like I said before, this is just phase one of the process and we're just kind of trying to get a handle on what the issues and constraints are with historic preservation in the County. And I think next month I'm going to have -- I'm going to come and we're going to do some questions with the Commission about what their thoughts are on issues, but I have a develop a special list for you guys 'cause each group gets special questions based on, you know, their interest and stuff, so I'll come next month with questions.

**E. NEXT MEETING DATE: December 6, 2018**

**F. ADJOURNMENT**

Chair Lay: Thank you, Annalise. Okay, before we close, I'd like to thank every one of our Commissioners for coming out today. I appreciate your time and effort that you do to come here, taking out of your busy schedule, and we appreciate your expertise that you bring to this board -- this Commission. And I'd like to close and we'll see you next month.

**The meeting was adjourned at approximately 12:05 p.m.**

Submitted by,

SUZETTE ESMERALDA  
Secretary to Boards & Commissions II

**RECORD OF ATTENDANCE:**

**Present:**

Ivan Lay, Chairperson  
Louella Albino  
Ian Bassford  
Yvette Celiz  
Tanya Lee-Greig  
Michael "Kaleo" Ropa  
Lori Sablas  
Frank Skowronski

**Absent:**

Christ Kajiwara-Gusman, Vice-Chairperson

**Others:**

Jennifer Maydan, Planner VI, Long-Range Division, Dept. of Planning  
Annalise Kehler, Cultural Resources Planner, Long-Range Division, Dept. of Planning  
Mimi Desjardins, Deputy Corporation Counsel, Dept. of the Corporation Counsel  
Suzette Esmeralda, Secretary to Boards & Commissions II, Current Div., Dept. of Planning