

**MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
APRIL 4, 2019**

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, April 4, 2019, 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: Cultural Resources Commission is called to order.

B. INTRODUCTION OF NEW MEMBER - DANIEL KANAHELE

Chair Lay: First, before we start and get going on our agenda, I'd like to welcome aboard Daniel Kanahele. Daniel, if you can tell us a little bit about yourself? Share. Share with us.

Mr. Kanahele: Yes, thank you, Chair. Well, my name is Daniel Kanahele, and I live in the Moku of Honuaula Ahupuaa of Paeahu, and if you notice when you go to Kihei on Piilani and -- and Kihei Road, there are now ahupuaa signs up for the kula kai moku, so that's a good start, right? Because now maybe more people will start using the -- their moku and ahupuaa names. I think that's important. Place names, to me, are a cultural resource. Anyway, I'd like to begin by thanking Mayor Victorino for appointing me to serve on the Maui Cultural Resources Commission, and I'd like to thank the Maui County Council for approving my 15-year term -- five-year term, and as an incoming freshman, I don't expect my sheets to be short-changed, right, for an tax on my seat, but if you have hazing that you'd like to do, you know, you're more than welcome to haze the new freshman on the -- on the Commission. I mean I, you know, I've lived in South Maui full-time for about 12 years now. Actually, the kahu of the family that my parents built. My dad's from -- from Maui. His parents were from Hana and Kaupo. And my mom's from Hawaii Island, and her family lines are in Kau and Kohala. And I feel totally at home on all three of those islands: Hawaii Island, Maui, and on Oahu, although I was raised on Oahu in Kaneohe, and I found out that Commissioner Albino has connections, her husband has connections to Kaneohe, so beautiful down there. So I have been very involved in my community over the last decade. I feel that if you live in Maui, you have a kuleana to take care of your area, the people, the community, and -- and your cultural resources, so I try to do my -- my small part, my manini part to take care of the cultural resources in the area, the area I call home, and I'm very, you know, I've been very interested in historic preservation, and historic preservation is the work of, as I see it, of the Cultural Resources Commission, that's our job, and we make, I think, we make important recommendations and decisions pertaining to what we're going to keep and what we're going to lose, and sometimes we make decisions about things that we're

going to lose, sometimes those -- those decisions are -- are forever especially when -- when it has to do with nonrenewable cultural resources. You know, if you decide you're going to lose something, then some of those cultural resources will never come back, they're gone forever. So, yeah, I take seriously working on the Commission, and Chair, Chairman Ivan Lay said this is a fun place to work, so I'm looking forward to working with everybody here and getting to know all of you a little bit better as -- as time goes on, so mahalo for the opportunity just to share a little bit about myself.

Chair Lay: Well, like I said, we appreciate you being here, taking up your time to share with us your thoughts and your -- what you feel is important to keep the island as an island. Thank you, Daniel.

Mr. Kanahele: Mahalo.

C. ELECTION OF CHAIR AND VICE CHAIR FOR THE 2019-2020 BOARD YEAR

Chair Lay: At this point, we're going to turn it over, we have an election.

Ms. Maydan: Alright, we are on item C, Election of Chair and Vice-Chair for the 2019-2020 Board Year. So I'd like to ask the Commission, do you have any nominations? First, we'll start with chair. Commissioner Kanahele?

Mr. Kanahele: Well, since I am a freshman and I have a lot to learn, and I know a few of the Commissioners, but not all, some of you I'm just meeting for the first time, and the one person that I've known the longest so far is Tanya, sitting to my right, so with all due respect to the current Chair, I believe it's important for everybody to share the responsibility of guiding a board or a commission and that new blood is important in any organization, so I would like to recommend or nominate Tanya to be chair of the Cultural Resources Commission so --

Chair Lay: Second.

Ms. Maydan: So we have a motion and a second for Tanya, for Commissioner Lee-Greig as chair. Any discussion?

Mr. Kanahele: Well, since I made the motion, I'd just like to say that I -- I've known Tanya for some years, her family ties go back to the moku I live in, Honuaula, and I know she is a licensed archaeologist, and then I've had the opportunity to work with her out in the field or see her work. I respect her work. I respect her workmanship. I think she has a good reputation in our community, and I don't know whether or not she wants to serve as chair, I know she has a lot of responsibilities, but, you know, it's good to get

out of your comfort zone, right, and to have new experiences that'll help you to develop and grow as a person, and I think this would be a great opportunity for her to do that - - to spread her wings and I have total faith that she'd make an excellent chair.

Chair Lay: And I second the motion. I've seen her -- she's been on the Commission for one year. She's shown a great interest. The knowledge that she brings to this Commission is -- is valuable beyond, you know, anything we've had for a while, and I think she'll be a wonderful chair.

Ms. Maydan: Any other discussion?

Ms. Albino: Thank you.

Ms. Maydan: If not, okay. No other discussion, we'll call for the vote. All in favor for Commissioner Greig as chair for board year 2019-2020? Motion passes with five ayes.

It was nominated by Commissioner Daniel Kanahale, seconded by Commissioner Ivan Lay, then

VOTED: That Commissioner Tanya Lee-Greig serve as Chairperson for the 2019-2020 board year.

(Assenting: L. Albino, I. Bassford, Y. Celiz, D. Kanahale, I. Lay)
(Excused: M. Ropa)

Ms. Maydan: Come have a seat.

Chair Lee-Greig: I've never done this.

Ms. Desjardins: That's okay. You got lots of help. Do you wanna continue with the nomination for vice-chair or do you want Tanya to take that over?

Ms. Maydan: Okay, we will move on to -- are there any nominations for vice-chair?

Mr. Lay: I'd like to nominate Bassford. He's been here for a while and he's also brought a lot of knowledge to our board, the Commission.

Ms. Maydan: Do we have a second for this nomination? Discussion?

Mr. Bassford: May I respectfully and politely decline? I still feel that, as a young member, I still have a lot to learn and I think I could a little bit more experience under my

belt. Under the guidance that we have with Chair Greig, I think we're in a good space. Am I allowed to respectfully decline?

Ms. Maydan: Yes.

Ms. Desjardins: You can go ahead and withdraw.

Mr. Lay: I withdraw my motion at this time.

Mr. Bassford: Thank you, Commissioner.

Ms. Maydan: Any other nominations for vice-chair?

Mr. Lay: I'll go with -- I'd like to nominate Yvette as vice-chair. She's been here for a while, she's of island, she brings influence from the outside islands, and I think it's very important too.

Ms. Maydan: Do I hear a second?

Ms. Celiz: Can I withdraw as well for the same reason as Commission Bassford? I think I'm still learning a lot, and as much as I'd like to represent my community and, you know, be the voice for my community, there's still a lot that I would love to learn before I take on that role. Can I nominate Chair Ivan or do I have to wait for --

Ms. Maydan: We need Commissioner Lay to withdraw his --

Ms. Desjardins: Well, actually, there was no second so ...(inaudible)...

Ms. Maydan: There was no second. Okay. Okay.

Ms. Desjardins: You can entertain a different motion.

Ms. Maydan: Okay.

Mr. Kanahele: Can -- oh. Go ahead.

Ms. Celiz: I'd like to nominate Ivan Lay.

Ms. Maydan: Do I hear a second for Commissioner Lay?

Ms. Albino: Because I'm not going to be -- I will -- I will humbly decline because I, along with -- I'm new here too.

Mr. Lay: So there's three no's. I have to yes.

Ms. Maydan: Do we have a second?

Mr. Bassford: Second.

Ms. Maydan: Thank you. Discussion? Okay, we'll call for the vote for Commissioner Lay as vice-chair. Alright. All those in favor? Motion passes. Five ayes.

It was nominated by Commissioner Yvette Celiz, seconded by Commissioner Ian Bassford, then

VOTED: That Commissioner Ivan Lay serve as Vice-Chairperson for the 2019-2020 board year.

(Assenting: L. Albino, I. Bassford, Y. Celiz, D. Kanahale, T. Lee-Greig)
(Excused: M. Ropa)

D. 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 Lee-Greig: Okay, were going to open up for public testimony. I see we have two -- two members of our community who would like to provide testimony. Keeaumoku Kapu for items E and F.

Mr. Kapu: I'd like to ask the body right now, before I start, that there's two items, yeah, so I going do my three minutes on the first one, which is the - what is that - the Front Street, and the second one is the other demolition permit. Good morning, Commissioners. My name is Keeaumoku Kapu. I live in Lahaina. I've always been a strong advocate to certain specific changes that's happened in our town, and what really concerns me right now is our town is turning into more of a private gated community, and we lose more of our historic sense of our town based upon what was there before. I'd like to encourage this body to really look into the Lahaina as being a National Historic Landmark, and there are certain areas within the town that is registered under the National Historic Register to make sure that any development that has a monstrosity

changes in our town go through crucial explicit recommendation that come from this body, from the Cultural Resources Commission, and why I say that is because looking at the development before you, what is this the design review plan to construct a new home at 399 Front Street, Lahaina, Landmark District, TMK: 2-4-6-002, parcel 001, that is before you right now, to me, it triggers a lot of concerns. First of all, the height restriction that would definitely deter from view plains, from the land to the ocean, as well as the ocean to the land. That would definitely deter and take away any historic properties. That area, I kinda am familiar with. I know I have a relationship to a lot of people that live in that area. Just adjacent from that area, the properties, if you look in the old maps, was Hinau, and Hinau served during the time of the Kingdom as one of the prominent nobles to our -- the creation of what we, basically, need to look at on how we can protect these area from these kinda things that are happening. I don't like to see Lahaina turning into one other Makena; when you walking down that strip that you can't even see the ocean anymore; that every house along there has a nice little golden gate that really cuts off the cultural right and ability to access all shorelines in that area. I question the validity of this application on whether or not this will be encroaching upon State lands and shore lands on the amount of degradation that is happening along the shorelines now. There's a lot of questions that I have. The only recommendation I can give this body is for them to downsize this at least, at least 80% 'cause what I'm looking at in these plans right now, I not too happy with. All it is is for another sign to go up later on in the future to inform the general community that a bed and breakfast, multi-hotel is coming up in our town. I've been a strong advocate to these areas for many years, past 20 years I would say. I've been in litigation for over 17 years. Now I've proven myself to be a kuleana, legitimate kuleana landowner, so I have an interest to this area, from mauka all the way to makai, and whatever changes happens in this area to make sure, yeah, that Corporation Counsel and this body try to put together some kind of information that'll make sure that they fall in compliance with the National Historic Register. If not, deny it. So mahalo for that. Thank you.

If nobody has another questions, I like go -- to go to the next stop topic on the -- my agenda.

Chair Lee-Greig: Does anybody have any questions on the Commission for the testifier on this item?

Mr. Kanahele: I do.

Chair Lee-Greig: Daniel.

Mr. Kanahele: So -- so your concern with the view plains for this particular project has to do with the height of -- the proposed height of the structure, which I understand is 30 -- 30 feet?

Mr. Kapu: I'm more concerned -- I mean if you -- if everybody was to just look at the plans, the plans automatically kinda call for itself based upon what is happening within the area. If you look at the -- the area now, every house alongside that strip, yeah, well, you have one that came up previously in the past, or maybe couple, but it does -- it isn't as intrusive, that I can see, as this one that is going to go up, so my concern is not only view plain, my concern is whether or not they going be in compliance to that very specific area known as the National -- that is based upon the National Historic Register. So when I look at this, it automatically brings up some kind of precautions where you guys might have to worry about it later on whether or not this thing is going to fall, definitely fall into another criteria that's not even within you review. So it goes from here, the Cultural Resources Commission, to what? The Planning Department? Once it pass your review and it goes into the Planning Department, anything can happen from this point. So all I'm asking for is strong recommendations that comes from this body to make sure that the applicant is compliable at every level, from the bottom, all the way to the top to make sure that we're not encroaching upon the shoreline access areas, and if there is access areas that was provided for the general community, it may not, but that's not for me to make the determination, that's for you guys to make that determination on whether or not it is justifiable for them to cut off one whole shoreline area. At the same time, you need to review and try to see whether or not, because of, you know, climate change and all these kinds of things, how the shoreline is, all that information, there's not too many information in here, the only information I getting is a development application. What about the chronology of the area? What about the whole background historical sense of the area? What was done there before? I mean wouldn't be such a hard case if I never know who the applicant was. I don't know who the applicant is. How you doing, sir? Don't mind me but that's just the way I am. My name is Keeaumoku Kapu. And I also serve in another capacity, I'm the CEO for Aha Moku O Maui, Inc. That's another area where we hoping that the Planning Department as well as the CRC, when these kinda things come about, instead of me coming over here and kinda putting a bender in the system, that maybe there should have been ample time for the applicants to come forward to our body and give recommendations on -- on how these things can work instead of me dealing with this. For me and my wife, at the last minute, we saw this, my wife gotta work, she said you gotta go to the meeting and share your insights pertaining to what this development or project is all about and it's going to affect us. Later on in the future, it definitely gonna affect us. I know live in Makena. You guys live in Kihei. You know what's happening down there. I no like see Front Street turn into one gated community all alongside the shoreline. It's happening already. We need to stop that. So mahalo. Answer your question?

Mr. Lay: I have a question.

Mr. Kanahele: Yes. Thank you, Mr. Kapu.

Mr. Lay: Mr. Kapu, you did mention about access, what's the nearest access besides this point, I just -- as far as --

Mr. Kapu: There's -- there's a couple access and getting in the future, a lot of those access points went disappear all of a sudden. The two adjoining landowners felt that they had jurisdiction of the access until somebody addressed the issue about it. I don't know whether -- whether or not there is any access within the area. I doubt it. I doubt it if there is.

Mr. Shapery: It's adjacent to the property

Mr. Kapu: Yeah.

Mr. Shapery: Right side of the property.

Ms. Kapu: But -- but I need to know the chronology of the property. Yeah.

Ms. Albino: I have a comment to make. In the report, it is well stated: The plans could be reviewed by the State Historical Preservation Division to continue to determine this appropriate level of archaeological investigation and mitigation for this project. Right in the report. And then there's another couple of concerns I have. It is clear that the new home would differentiate from the new one, or should be from the old one, but as previously discussed, its scale and massing are not compatible to the surrounding historic homes. Another issue is, it's in the summary, that being said, elements of the plan remain inconsistent with the applicable guidelines. So it appears that the report itself states this is incompatible, and there are other issues that we need to address before. It should come back to the Commission again.

Mr. Kapu: I'm just kinda asking for, you know, to tone this thing down. This is a monstrosity to me. Sorry you feel that way but our town is slowly being degraded, yeah, and just recently where I operate, and I operate - you can come see me anytime - I'm at 562 Front Street, around the cultural center, Naaikane O Maui Cultural Center, I have maps, old kinda maps, all types of research that I open up to the general community on why that area is important. The canal right in front of my building that the County all of sudden covered up with ply boards, I took that out. Why? Not the County's property. It's the State. So that's how much I am eager and desire to make sure that our

neighborhood, yeah, from mauka to makai, we can learn to live with each other, and we no start hitting some stonewalls or fences to kinda deter us from each other as being friendly neighbors, that's all I'm asking for, but if the report strictly says that these things gotta be done, your job is to make sure that it's mandated to even give more recommendations on this before it passes you and goes to the Planning Department. I'm -- I'm worried about SHPD. I'm worried about State Historic Preservation Division because they haven't been compliant to any of the issues that we facing. So this is no - - a no-brainer. If the SHPD says they gotta clean up a lot of stuff, I going hold them to that, and I will hold this body to it too. So mahalo.

Mr. Lay: Thank you.

Ms. Albino: Mahalo.

Chair Lee-Greig: Mahalo. For F?

Mr. Kapu: Yeah.

Chair Lee-Greig: Okay. Thank you.

Mr. Kapu: Okay, aloha, Commission. My name is Keeaumoku Kapu, and my second item is F on the agenda, reconsideration plans to demolish a home at 560 Luakini Street, Lahaina, TMK: 2-4-6-007, parcel 20, Lahaina National Historic Landmark District. That's another one. Anything that falls within the Landmark District you going see me in front of you guys and you guys know that. Why? Because I care and I love my town. I fear that there is so many drastic changes that are happening within our neighborhoods that we losing the integrity of our place. You know, there have been bills in the legislation that I've been following. That first bill that came out to stop these guys from soliciting stuff on our Front Street, grabbing people and pulling 'em in. Our town is turning into a mess. So these are one of those area that I know Aunty Babe's property. A lot of my children as well as my niece's kids, and many generations, their kids went graduate from her, her place. I know this place needed some changes, a lot of changes, and I see the application of what they hoping to do on their new plan. I support the intent of the route they are going in this area, just keep it, basically, real simple, kinda similar to like Hicks homes on how they used to develop post and pier, real low key, nothing real outta whack, and I hope that this area will also service our community as it served our community for many years when they came to our kamalii being raised in that area. So I support the whole intent of the reconsideration of the demolition, main thing they comply with the rules and make sure that pictures are taken because, you know, the many graduations that I've been over there, you know, that's kinda iconic to a lot of families, yeah, because all the kids that went graduate

through her classes throughout the years that she's been taking care of a lot of moopuna. You know, I just making sure that if that can continue; if not, then, well, kinda going to have to deal with it the way it is, and I not trying to throw any wrenches in the system or anything, I just wanna make sure that the neighbors next door are also in support of it, if they are, then that's fine, and to make sure that we get a lot of people at the table on any kinda changes that happen in this area. So mahalo for your time, Commissioners. Pau.

Chair Lee-Greig: Are there any questions for the testifier on this item? Daniel.

Mr. Kanahale: Yes, thank you. It -- it states in the notes that this place was leased to the Church of Jesus Christ of Latter-Day Saints, and do you know whether or not it was the church, Jesus Christ of Latter-Day Saints, that built this structure?

Mr. Kapu: No. I have limited knowledge about the transfer of titles. Maybe somebody that is here today probably can explain more of that.

Ms. Albino: It was from Keanini --

Mr. Kapu: Yeah.

Ms. Albino: To the church.

Mr. Kapu: I saw that.

Ms. Albino: And you had your hand up, sir?

Mr. Durant: Yeah, I'm ohana ...(inaudible - not speaking into the microphone)...

Chair Lee-Greig: If -- if you would like to come up and testify.

Mr. Durant: Yeah, I can just comment on that one because my mother-in-law ...(inaudible)...

Chair Lee-Greig: Okay, can you speak into the microphone and state your name.

Mr. Durant: I'm sorry. Ron Durant, and I'm the, well, currently I'm the owner of the property now. My father-in-law -- my mother-in-law Kuulei Stender was the owner, because they're getting older in their age, they decided to turn it over to my wife and I so that we can maintain the property. It's a family property. There's three homes along the area. But when my mother-in-law, she's 87, she grew up there, but she -- she disputes

that that was the house, Aunty Babes house, or actually our house so Aunty Babes was living there, but she disputes that the records are incorrect that that was not -- the house -- LDS Church home was another house on that lot but that particular property ...(inaudible)...

Mr. Kapu: Mahalo for that. So Keanini?

Mr. Durant: ...(inaudible - not speaking into the microphone)...

Mr. Kapu: So the reconsideration for demolition, I know you guys have a criteria to follow, make sure that pictures are taken, support the intent of the rehabilitation for the house. So mahalo. Thank you.

Chair Lee-Greig: Thank you. Okay, next we have Rose-Marie Duey on -- with regard to the Department of Planning requesting design review for plans to construct a new single family home at 399 Front Street.

Ms. Duey: Congratulations to our Chair and our Vice-Chair. My name is Rose-Marie Duey. Good morning, Chair and Members, I am a kanaka maoli, of the agenda item E.1. I was born and grew up in Lahaina. This area was my playground. Gosh, it's befuddling. It's disgusting. This is so disgusting. It has worked on my emotional, Hawaiian emotional heart. I am -- I am beside myself and am truly against this project as it is against the preservation of Lahaina and certainly does not belong at 399 Front Street. If it's a house, it belongs in California where someone can call this building a home along with all their security. However, we suspect it to be a new look to a condo vacation rental. This is not the first time this happened. So it belongs in the area zoned for resorts or elsewhere where no one cares about what represents their idea as culturally acceptable. When do you stop something like this? I say we start today. We start today with this. As a local of Maui, I call it another haole, and not meaning a white man, but a foreign building destroying a culture and a sense of place and that's what we're supposed to be protecting here, a sense of place. Mahalo nui loa for the opportunity to voice my concern about this. Thank you very much.

Chair Lee-Greig: Can you -- Aunty? I'm sorry. Does anyone have any questions for the testifier?

Ms. Albino: I have a comment. As stated earlier, it's in the findings in our report, pursuant to subsection 19.52.050, Maui County Code, you cannot approve plans to demolish a building that is eligible for the National Register unless the Department of Public Works or State Department of Health deems the building or structure to be a

hazard to public safety or health and repairs are impossible. Do you think repairs can be made to this structure?

Ms. Duey: You know, I'm ashamed of myself. My nephew called me this morning and he said, Aunty Rose-Marie, guess what's on the agenda at the Commission on -- I came here at 10:00. I was so upset. Your meeting didn't start till 9. I was told that. So I went home and I wrote as fast as I could my Hawaiian heart on this project. It's so deceiving.

Ms. Albino: Thank you for your comment, but do you think this home can be repaired or should it remain the way it is?

Ms. Duey: It should stay the way it is.

Ms. Desjardins: I'm sorry. I'm just going to interject very briefly. That's a different agenda item than she's testifying to just to clarify. She's testifying to the new home design review, yeah, and then the other one's a different one.

Ms. Albino: Okay, okay. I'm sorry.

Ms. Desjardins: That's okay.

Ms. Albino: I'm sorry.

Ms. Duey: Then I'd like to testify to the old home review.

Ms. Desjardins: You can do that as well but I just want to be clear that --

Ms. Duey: Okay.

Ms. Desjardins: 'Cause you seemed confused by the question that were asked.

Ms. Duey: I think -- I think the old home represents culturally the island, how we live here. I think this new home just certainly doesn't belong there.

Ms. Albino: That answers my question. Thank you.

Ms. Duey: Thank you.

Ms. Albino: Thank you very much for your testimony.

Chair Lee-Greig: Any other questions for the testifier? Mahalo.

Ms. Albino: By the way, my -- my ohana that lived on Luakini is Addie Silva is my ohana so I know exactly what you're talking about. She's a centenarian and she died just a few years ago. I know exactly what you're talking about. I'm --

Ms. Duey: It destroys, it destroys that Front Street approach.

Ms. Albino: ...(inaudible)... looks like.

Ms. Duey: Just the wall. They want security, go someplace else.

Chair Lee-Greig: We have a, and I apologize if I say your last name incorrectly, Mike Lodato -- can you state your name and the agenda item that you'll be testifying on.

Mr. Lodato: Mike Lodato and the 399 property on Front Street. Welcome to Sandy and his wife. My name is Mike Lodato. I'm here with my wife Laura. We live at 450 Front Street, on the mauka side ...(inaudible - technical difficulty)... we bought that home and moved into the neighborhood as haoles moving to the island but loving the kanaka spirit that we came here for. We wish not change the island but to, hopefully, make it better while we're here, and certainly not take it in any other direction that what we moved here for. We've always owned historic homes so maybe we're historic home buffs or whatever, but that's our heart as we came into this town was to become members of the Hawaiian community, not to take our California community and move it here. Sandy, I understand we have a common friend in Steve Check. He told me you are a good man, and a smart man, and I'm going to appeal to that as I speak to you on -- I've only been on the island for four years now, but the island has washed over me. The lessons I've learned are the three, words that everyone seems to wanna talk about it, you wanna go over to meet with someone and talk story in the house, don't talk about yourself, don't talk about anything other than your love of the aina, your understanding, the desire to learn more about what this word "ohana" really means to people, and this aloha spirit that we all have, and I bring that and the lessons I've learned today, and a suggested and free strategy. I can imagine, and I don't know what happened with the Lahaina Historical Foundation here on when they sold this property, but they did not give you the honor of -- sorry about that -- oh, sorry, they did not give you the honor of explaining who the previous owners were and what their true wishes were. Fran Hinton was a heavy donor to Lahaina Restoration Foundation and left the home in the hands of that group, for whatever reason, and I will let them defend themselves, they did a blind bid and sold it to the highest bidder and never communicated what the wishes of the prior owner was and how the community felt, and I know, coming from the coast, you get very excited. You buy a beautiful property on the beach, and you design your dream home, and it is a beautiful home. I've looked at the layout. I can see myself designing it

myself. I'd also see myself placing it in California on Carbon Beach or a place that might receive it better down in Makena or Wailea. This is Front Street. This is Shark Pit. This is -- we defend our neighborhood. It's a bit rough down there, to be honest with you. We battle the heroin addicts on the beach. We have a Shark Pit crew that defends our neighborhood, and we are a tight tight community, almost an ohana itself the way we talk about Shark Pit. When we see each other, and we're from Shark Pit, everyone walks there, we all walk to our groceries, we all walk to our -- everyone walks, everyone sees each other. It reminds me of my neighborhood when I was a child, skateboarding, and biking, and seeing people, I sit on my porch every day and I wave at all my friends as they go by, it's that kind of neighborhood, and to have a, and I know you see this as a beautiful wonderful home, to us, it is this gigantic spaceship filled with aliens that is landing in our neighborhood and nobody can understand how this thing got to where it is today, and I don't wanna take anything away from your design sense 'cause as I said, I think it's a beautiful home, it just doesn't fit here. There is a -- I'm also an active on this island to try and help, been active in the rotary, I'm current the chairman of the board of trustees of Lahaina Yacht Club. When you get to Lahaina Yacht Club late at night, about 10:00, there's a song they'll play every once in a while, everyone starts singing it, it's called "The Last Resort" by the Eagles, and it has some prophetic verse here that I think describe the situation: It speaks of this progression from the East Coast on how everywhere as we migrated across this great land that we sort of destroyed each segment, and it ends on its -- its last place of destruction is Malibu. Some people came and raped -- raped the land and nobody caught 'em. Put a bunch of ugly boxes up and people bought 'em. And they called it "paradise," the place to be. I don't know why they call it "paradise" and kiss it goodbye. Then they said, this is where the whole club all sings together: You can leave it all behind and sail to Lahaina who will provide the grand design, what is yours and what is mine, 'cause there is no more -- there is -- 'cause there is no more new frontier, we have gotta make it here. That's the line we all use. If we're going to find, even as haoles as we come here, to actually defend the place we came, I wore this shirt today because it's the way I feel, 'cause I didn't come here to change Hawaii into something I came from. I came here to become a member of this community, and I think you are a good man, and I will appeal to -- I understood the power of all these bodies, and I also know your background as a real estate attorney, and I know you can manipulate this and work this system better than any of us in this room can, and I don't -- I hope there's something that you can do but I don't want it to be so restrictive this man can't build a beautiful home. On the sight lines, here's the view that will be destroyed on my beach walk every morning. As I walk by that home, there's a beautiful mountain right in the background that will be totally destroyed. This home down the street that didn't get protected, they're blocking my entire view on my walk now. There are two other homes that block that view - no others. There's 50 homes down that whole thing and we've got three of them that are absolutely killing us. Here's someone who kinda half did it. They built kind of an ohana

structure. They took the original property, they fully reconditioned it, and they took a long thin thing to get a bunch of square footage, and they're probably going to rent that out and make some money on it, nothing wrong with that, but it didn't block the sight lines and it only had a thin -- it used its real estate right down the side the other property, so there are ways to build. And then in the report it said house next door was contemporary. That's not contemporary. That fits wonderfully into our neighborhood. Here's a big huge beautiful home that was built in our neighborhood that nobody contest and it's right next door. On the other side is Lindsey's place. One of the most cultural active guys in the entire west side and -- and he's watching this thing go up right next to his house, and this other house right next door -- so they said the two adjacent houses are contemporary, one is Lindsey's and if you ever been there ...(inaudible)... more historic than any home on that beach, and the one next door is also very Hawaiian and looks very cool, and we like this kinda stuff. We're okay with this kinda stuff. I don't know about the wall, the security and all that, you know. I actually have a fence that the Kaluakini family built before I even moved in, and it does protect me from the street, and I have had, you know, homeless people in my -- in my gardens in the morning and it's just that kinda neighborhood, but I'm speaking to I guess to both the group today and the -- the new owners. There's a better plan here and don't be that guy, you know, the guy that came from the -- the coast and used all the power and got it any way you wanted. Open yourself up to the community. Listen. Adapt. Pull the spaceship out, land something more beautiful and appropriate for our community in there, and that's my request.

Chair Lee-Greig: Do we have any questions for the testifier? Ian, or Commissioner Bassford.

Mr. Bassford: Thank you for taking your time to come in today. You had mentioned that you and your wife have moved into several different historic homes over the course of your tenure --

Mr. Lodato: Yeah.

Mr. Bassford: On this earth. When you've moved into those homes, you've realized their value, you've realized the restrictive nature of living within that district, is that one of things that has appealed to you that made you wanna be part of that?

Mr. Lodato: I -- we -- we were on this island two years before we decided to purchase our home. We were moving around constantly looking for what he had come to know and love about the island. We visited here for 20 years, about 10 years into visiting; we stopped staying at the hotels and started renting homes in the neighborhoods; we started getting to know the people and the neighbors. We moved here. We spent two

years trying to find the perfect neighborhood, and it was Shark Pit, and it was everything that is Shark Pit as it is today. We drove down that street and we saw one ugly giant cement home, and we saw one other awful home on the left and we're going: God, it's still dependable, you know. This is a piece of true Hawaiian culture. This neighborhood has aloha spirit to it. It has a cool country vibe to it. And I see a lot of people improving their homes and knocking stuff down and rebuilding it, and that's fine, but rebuild the same plantation style homes or rebuild something similar that fits in the industry. We're only about three or four homes into the total destruction of our neighborhood, and we have no defenses, you guys are our last, we have no neighborhood community that approves designs, we are outside the jurisdiction of Lahaina Restoration Foundation because that's State, you guys, this is Federal, so we're sort of unprotected right now and all we can do is plead with the new owners as they come in, and plead with commissions like yourself to educate and help them come up with designs that allow them to be better received into our neighborhood, and I think it has nothing and very little to do with the house itself, and I think it has to do entirely with ...(inaudible)... and if you're planning on spending time here, if you're spending on retiring here, like I have, then your relationship with the community I guarantee will be much more important than the square footage of your house, and if you're going to be happy here, that's what I've learned.

Mr. Bassford: So what I'm asking is when you've moved into these historical districts or the outlying area, you've done your due diligence in terms of, for lack of a better term, the HOA that exist within that district, and that's -- that's one of the things that has appealed to you that you've wanted to be part of that.

Mr. Lodato: Yeah.

Mr. Bassford: You said you've restored a lot of -- a lot of homes. Are you a builder by nature? Is that your trade?

Mr. Lodato: No. No.

Mr. Bassford: Okay.

Mr. Lodato: My wife will say I can't even ...(inaudible)...

Mr. Bassford: That's okay. That's alright. No, I appreciate your time. Thank you.

Chair Lee-Greig: Any other question? Commissioner Kanahale.

Mr. Kanahale: Thank you, Mike, for being here. One of things I was looking for, as I was reading the notes on this project, was more historical information about the neighborhood, and you have -- you seem to have provided some of that, which I think is important to know in a historical district, first you mentioned something about the first sheriff that lived -- was it in that house or in --

Mr. Lodato: In our ...(inaudible)...

Mr. Kanahale: In the house you moved into on 450 Front Street, and is that -- is your house on the mauka side of the road? And then you -- you said that you knew the previous owners of the -- the subject house, 399, is that correct?

Mr. Lodato: Yes.

Mr. Kanahale: And what were -- that were their names again?

Mr. Lodato: It was Hinton family, but the husband died quite a long time ago, but Fran was our friend. I knew her --

Mr. Kanahale: Hinton. Do you know how -- how do you --

Mr. Lodato: H-I-N-T-O-N

Mr. Kanahale: Hinton. And so they sold the house to the current owners?

Mr. Lodato: No. They donated the house to the Lahaina Historical Foundation.

Mr. Kanahale: Oh really?

Mr. Lodato: The restoration -- the Lahaina Restoration Foundation. For reasons I do not know, because they have never sold a property in their entire history, and I'm pretty damn sure that Fran intended to donate that property. I remember we walked -- walked around that property and being told, just like every other property, we'll use this one for meetings and everything, it's an old historic home, it sits right here next Lindsey place and, you know, this is such an important part, it's where the easement's into the beach -
-

Mr. Kanahale: Yeah.

Mr. Lodato: Are right there on that lane so everybody's experience every single morning when you go walk, surfing, you go down through two historic Hawaiian homes, and we're about to be replaced by a, you know, a valley of tall buildings instead.

Mr. Kanahele: So, Mike, you knew the previous owners?

Mr. Lodato: Yes.

Mr. Kanahele: And you -- you would go to their home?

Mr. Lodato: Yeah. I've been to their house. Yes.

Mr. Kanahele: You would ...(inaudible)... so, yeah, this is good to know and that they donated the house.

Mr. Lodato: They donated the house --

Mr. Kanahele: They didn't -- they didn't sell the house?

Mr. Lodato: And then for some reason Lahaina Restoration Foundation sold it.

Mr. Kanahele: The house was sold.

Mr. Lodato: And to Sandy here, I don't think he had any idea this was going on. That board's under a lot of heat right now, like how -- how can you, you know, Fran is turning in her grave, you know, what the heck just happened here? And why did -- why did the new owners not even get a conversation. I know we had to -- I understand why it have to be blind bids so that there can be no bias and everything and just take the highest bidder, but I would have think after it closed they would at least approach them and say, hey, the people who gave us this house loved this neighborhood and care about their neighbors, and they would like you to build something that fits in with the neighborhood. I don't think that conversation every happened. I don't think anybody ever advised this man of this. This might be the first time he's hearing that we care about our neighborhood. I mean he's probably just like, hey, I know how real estate law works. I bought the land. I can do whatever I want. Well, I have two different receptions in the neighborhood based on how you enter, and I don't know who I'm appealing to today. I honestly don't know how much power this group has other than expanding that historic district, expanding to have some more authority in that area, power of recommendation is high, I hope you listen to what they say, but a lot these things are sort of piecemeal, you know, like, oh, lower this, spin that. Throw the whole design out. Man, it's a giant spaceship. It's weird. It doesn't fit.

Chair Lee-Greig: You had another question?

Mr. Kanahele: Chair, I have one more follow-up question, and were ever consulted on the proposed construction ...(inaudible)...

Mr. Lodato: To be honest with you, if I knew I could knock that house down, I would have bought it. I -- I --

Mr. Kanahele: So were -- were you --

Mr. Lodato: I would have built a beautiful home that fit in the historic district, but that home is not historic, right? All the words about it -- you ever walk through there? This thing had like six modifications and all these overlapping roofs -- yeah, it needs to be knocked down. There's nothing historic about the home itself, but I would have recreated something that fit in that neighborhood. I've been sitting there watching those properties and everyone in the neighborhood, verbally, was told you can't touch that house 'cause the historical society is selling it. I was like, ah, you know, it's kind of a weird house. I don't think I'm that interested in it but, yeah, I'd -- we'd, you know, the talk around the town was that, all of sudden, then, boom, it was just sold.

Mr. Kanahele: So -- so my question was were you consulted? Yes or no.

Mr. Lodato: No.

Mr. Kanahele: Okay. Thank you, Chair.

Unidentified Speaker: ...(inaudible - not speaking into the microphone)...

Chair Lee-Greig: You can testify but you can't ask questions of other testifiers. That would be for us to do. Okay, is there anyone else in the -- please come forward and state your name and the agenda item that you're providing testimony on.

Mr. Lindsey: Aloha, Commission. My name's Ekolu Lindsey, and I'm testifying on the property located right next door to me at 399 Front Street. I have all the intimate knowledge that the questions you may have I probably can answer for you. But, first, I wanna tell you that, as a kanaka maoli, like Aunty Rose-Marie says, we are critically endangered in this space. As the Cultural Resources Commission, I looked at the word "culture," what is that? That's nature. That's the view plains. That's the ocean. That's the land. And that is people. I think this is the tipping point of what's happening within our neighborhood with these giant homes coming up. I have never seen so much

construction on Front Street in my lifetime. I think we have failed as a community, as a Commission to protect the historical integrity and the cultural fabric of a place I call home. I have met with Sandy and I met the new owners. I went talk story with them little bit 'cause I was curious. I knew, whoever was going to buy it, was going to rebuild. I opened my mana'o to them. I wasn't consulted. I found out about this last minute through -- through Uilani Kapu. She brought it to my attention. So I think, as a Commission, perhaps we have failed to relay that message to the neighbors. What can we do better so that these mansions do not pop up? Now it's just -- we look at displacing of Hawaiian families. Out of the 28 properties located from the place they call "Puamana," which is truly Makila, to where Lahaina Shores, there are 28, 11 of them people live in. That's 21 percent. Out of that 21 percent, we are the sole Hawaiians in that space and with that comes a lot of kuleana to maintain the cultural integrity of the resources that we utilize in that space. I left a conservation action planning workshop to come here and testify before you because that's how important it is to me. This conservation action planning workshop included cultural practitioners, scientists, and other planners and resource people to look at how we can maintain the integrity of the cultural resources, specifically ocean, but whenever we talk about ocean, we cannot forget what's happening on land, and this is one of the things that we missed, the displacement of local people in their space to utilize these resources in the way that's been passed down for thousands of years. Yes, they have a nice plan, a beautiful home as stated. Wrong place. Nice plan - wrong place. So I highly encourage you to uphold the historic integrity of Lahaina Town but also think about the cultural resources of those decisions you are making. That ugly cement house he was talking about, that was the first one that went up. That was the first one. And do you know they never know what they was doing. They went pull one pohaku from Launiupoko that caused some problems that my grandmother identified why everybody getting sick, why people getting hurt - take a look at their pool. That pohaku. Where you get that from? Wrong one. And then all the others started popping up. And just over the last two years, I had seen so much pop up, and it's very concerning for me. Very concerning. Kaluakini house, the gentleman, the testifier before me, I didn't think that thing was -- you could rehabilitate that property. That thing looked like one teardown to me. But they did an awesome job. I was there for the opening, the opening blessing. Beautiful home. The other house he talked about, he showed you a picture of, that's couple lots down. They redid that home. But then right next to that, they went build one other ugly home but not as intrusive. This hurt my heart when I looked at it last night. It really did. And I feel bad for these people. I feel bad for them. They never know. But I went offer my services to them. You guys never come talk to me. They never come talk to me. When I first met them, one of the first things he told me, he don't even know me yet, I tried to explain environmental conditions, wind, rain, hurricanes, big trees that are protecting the properties close by, those kinds of things, but also the markers people use for fishing. Those things are being taken out. The true Puamana lost the hala tree

that people marked there, marked their line up on, that's couple doors down too. He never come ask, and I saw 'em in his eye when the first thing he asked me was, whoa, you live there? Nice. I would love to get my hands on that and make 'em better. I love my home. This is who we are, simple people, enjoying and living outside. We no live in the house. We just sleep. Outside is where we need to live. That is my testimony. Thank you.

Chair Lee-Greig: Any of the Commissioners have any questions for the testifier?

Ms. Albino: Mahalo nui for you coming forth because a lot of the same issues are not only happening in Lahaina, but all over. I'm from Molokai and when people buy property, the realtors do not give the full moololo of the property or places they're building so a lot of problems ensue. We just had a puuone sliced up, this old puuone sliced 'cause somebody wanted to make it look better. Now, I mean I understand where you're coming from. Luakini, what does "Luakini" mean?

Mr. Lindsey: I cannot answer that question.

Ms. Albino: It's a heiau. A very sacred place 'cause my aunty lived there, Addie Silva.

Mr. Lindsey: My grandmother visited her every day as she made her rounds.

Ms. Albino: And so my biological grandmother comes from Lahaina, Kaae, Napuuone Kaae is the family. So we have background there. I'm a Hawaiian educator. I'm a cultural consultant for Molokai. The last one with the language and history that lives on Molokai, so we're -- we're educating our young people. We need to let people know, and even if through realtors, that this is the moololo, this is why we named this place Luakini, this is why we named this places the way we named it. It's more than a name. It gives stories, it gives history, it gives placement -- that when you talked about koa. Those things are not small things to Hawaiians. They are meant to genealogically, generationally exist. And so if we can educate the malahini, do you think this would make a better maybe working plan for the community because it's happening all over, and before it becomes a place where it's completely destroyed, we need to educate them.

Mr. Lindsey: I agree. I'm all for educating and coming up with a better plan so we can move forward respectfully.

Ms. Albino: Thank you. I appreciate your testimony.

Chair Lee-Greig: Mahalo. Oh, wait. One more question. Commissioner Kanahele.

Mr. Kanahele: Yes, thank you for being here, Mr. Lindsey. You live next to the 399 Front Street? Your home is adjacent to that?

Mr. Lindsey: South, just south of it.

Mr. Kanahele: And you mentioned that this was the first time you saw the proposed plan for this?

Mr. Lindsey: Correct.

Mr. Kanahele: And you hadn't -- the owner hadn't talked to you before about what they were planning to do there?

Mr. Lindsey: Other than tear down and rebuild.

Mr. Kanahele: And you're -- you mentioned that you're seeing more construction or development in the area than you've seen in your lifetime?

Mr. Lindsey: Yeah.

Mr. Kanahele: Just along the -- the same street you live on on Front Street?

Mr. Lindsey: Just -- just south of where Lahaina Shores is, we got four construction projects going on right now.

Mr. Kanahele: So that's in the immediate area of this --

Mr. Lindsey: Correct.

Mr. Kanahele: This development. And then --

Mr. Lindsey: It's within a half-a-mile.

Mr. Kanahele: And then you also talk about place names. Do you know -- do you know what the place name for this area where you live is --

Mr. Lindsey: Sure.

Mr. Kanahele: And what it means? And then would you mind sharing that 'cause I'm always interested in --

Mr. Lindsey: Okay so --

Mr. Kanahele: And I'm interested in the history of this area.

Mr. Lindsey: Yeah, the previous testifier called it "Shark Pit." The name of that reef system is Na Papalimu O Piilani, it speaks of the papa on that -- the ocean that papa had limu that was reserved for Piilani, so it was royal grounds is what that place was. The specific property that we live on is called "Polanui." Now within -- when you look from where Puamana pool is down to -- about a half-mile down, that would take you to right around Lahaina Shores, 505 area, you have 13 different ahupuaa lele, 13 of them. I tried looking for the moololo behind every one of them, they are held in chants and hula. I have not found them yet. I found a few. But Polanui, the pola describes, with kauna, the pola describes the center of the canoe. So when you look out the Kealaikahiki Channel, pathway to Tahiti, you look at the islands of Kahoolawe and Lanai; perhaps that is our waa as we sail through the pola, the center of Kealaikahiki Channel. The pola also represents the center loincloth of a fisherman. When you speak to the abundance of that area, like a name, Na Papalimu O Piilani, and the many different varieties that was out there, it was abundant. That place was abundant. It was -- I would say it was a predator heavy system at one time, specifically black and white tips. When it's predator heavy like that, that means it's a very thriving ecosystem, top system, ecosystem thriving like that speaks to the many abundance of resources, talking about freshwater percolation and surface flow, talking about limu that grows, the little fish juveniles that eat there, the crustaceans that survived there, the crabs that get there, what's the -- why is it important to have a sand crab, the ohiki crab? That's because the omilu come in and eat that sand crab. The house that was built, the manager's house down -- a few doors down, when they built their giant house there, they went up spotlights for protection, make sense, so anytime you walk by, the lights turn on, the sprinklers turn on to keep people out of their yard; what that did was it took away the ohiki crab. Had plenty crabs there before. When they went build that house, no more crab. They have not come back. So that means the omilu not going come in, that thriving ecosystem is hurt in so many ways, it's not just the people, it's the water resources, it's the sedimentation, it's the many -- I can talk all day about this kind stuff, but the moololo from that place is important, like kaluokamano, it speaks about the sharks over there, when the tutus next door would call them in. Yeah, my son carries that name, Kanemauioloa speaks to my grand-uncle who would feed the mano out there. So we have a deep history to that space and things like this, it's very challenging for me to swallow anymore, that's why I came. I hope I answered some of your questions.

Chair Lee-Greig: Mahalo nui.

Mr. Lindsey: Okay, mahalo.

Chair Lee-Greig: Anyone else? Please state your name and the agenda item that you will be testifying on.

Mr. Lindsey: Aloha, Cultural Reserve Commission. My name is Charles Robert Lindsey, born and raised at the 393 Front Street. My history goes way back on that property at 393 Front Street, which is adjacent to their property. Shark Pit wasn't called Shark Pit. The channel is Uhalio. The shark that lives there is our family aumakua. It was the protector of our family who fished there all the time. There was abundance of limu, there was the hee grounds, all the different type of fish that lived around there that my father showed me that his father showed him. I was the fourth generation there. My father's generation, six brothers were born there. The property that they're building on, I remember when they first cleared the lot, there was a huge mango tree there, there was an existence of an old house, Hawaiian house, and when they dug the cesspool, there were five burials. And the funny thing about these burials was they were standing, and that was real shocking to me. They showed me those burials. Five. The beach site down there at Polanui had just canoes. I remember the canoes. My grandfather had a koa canoe that he fished all the time. My grandfather was a deputy sheriff of Lahaina in the late '30s, early '40s, till he passed away. We have family burials on our property at 393 Front Street. That's how far back our family goes, and I mean that's way back. Our family had property in Iao Valley. Our family had property loi up Ukumehame. We had loi up Kauaula. They owned property at Kaanapali. They had owned property in Lahaina. So you see how far back I go. The generations that I came from. And it's a heartbeat for me just talking about it. I fished there all the time when I was young. Speared my first fish there. And I really enjoyed 393 Front Street where my brothers and sisters was raised also. I don't wanna see huge houses on Front Street. I don't think they belong there. And eventually some of them are already rented out or some of them are for visitors to come and stay. But the place has changed drastically, and as your reserve cultural duties are is to maintain the culture, so let's make sure we do that. Let's keep everything pono. Let's not make changes. Keep it the same. When I go out on the boat out of Lahaina, I like to see the Lahaina how it used to be. Although it's changing drastically now, solar panels up on the hillside, houses all over the place, the shoreline is completely remodeled with big homes, I hate to see that to continue and go on. And with that, that's all I have to say. If you have any questions, please ask me.

Chair Lee-Greig: Any questions?

Ms. Albino: I have a question, Uncle. Mahalo nui for your testimony. Do you know whatever happened to those five burials?

Mr. Lindsey: You know, I was a witness there when they dug the hole, and in the early days when they found bones, all they did was throw it in the truck and dump it. The same thing that happened at Kaanapali, I worked at Kaanapali when the Sheraton Hotel was being built, bones came out of Kaanapali, it ended up in a dump truck and it was dumped. Do we wanna still do that? No we don't. Let's show some respect to our culture, to our old Hawaiian people.

Ms. Albino: Mahalo.

Chair Lee-Greig: Commissioner Kanahale.

Mr. Kanahale: Thank you for being here, Mr. Lindsey. So in your testimony you said you grew up 393 Front Street. You grew up there?

Mr. Lindsey: Yes.

Mr. Kanahale: Your family and your -- your siblings?

Mr. Lindsey: Yes.

Mr. Kanahale: And the lot next to you, which is the subject lot --

Mr. Lindsey: Yes.

Mr. Kanahale: You -- you saw the house that was built there?

Mr. Lindsey: Yes.

Mr. Kanahale: Prior to -- prior to that, there was just a vacant lot?

Mr. Lindsey: It was a vacant lot with just a big mango tree.

Mr. Kanahale: And so when they built the cesspool, and you were there, you say that you -- you saw them find bones and they were identified as --

Mr. Lindsey: Five bones, humans standing.

Mr. Kanahale: Standing human remains.

Mr. Lindsey: Yes.

Mr. Kanahele: And -- and to your knowledge, have they dug any other pits to your knowledge in -- in the lot?

Mr. Lindsey: They -- they did not dig anywhere else on that property.

Mr. Kanahele: And so to your knowledge there hasn't been any ground disturbing -- disturbances in any other portion.

Mr. Lindsey: They did hallow diggings for their main waterline and stuff like that, but that's all, but the sewer was dug right adjacent to our property where I could look over and see, and the contractor showed me because they were surprised to have all five standing.

Mr. Kanahele: Is it -- was it a cesspool or a septic tank that --

Mr. Lindsey: Those days was all cesspool.

Mr. Kanahele: It was all cesspool.

Mr. Lindsey: Yeah.

Mr. Kanahele: Okay. Alright, thank you very much for being here today and --

M. Lindsey: Okay.

Mr. Kanahele: Mahalo.

Chair Lee-Greig: I have a question.

Mr. Lindsey: Sure.

Chair Lee-Greig: Have you had an opportunity to understand what the proposed layout or development is going to look like from the -- from makai looking mauka?

Mr. Lindsey: On the new development?

Chair Lee-Greig: On the new development.

Mr. Lindsey: You know, I get the word this morning from Ekolu, my nephew who lives there, at 8:04 this morning --

Chair Lee-Greig: Okay.

Mr. Lindsey: That you folks were having this meeting. I don't know why adjacent landowners don't know about this. Who's responsible for that, to notify us of what's going on in our community in our adjacent lots? Did I answer your question?

Chair Lee-Greig: Little bit.

Mr. Lindsey: But --

Chair Lee-Greig: Do you know if or, in your memory or in your traditional cultural practices --

Mr. Lindsey: Yes.

Chair Lee-Greig: Is there anything that fronts the -- the 399 Front Street lots that is integral to your -- to the traditional cultural practices either fishing or is there any features along that shoreline?

Mr. Lindsey: That shoreline, right outside of that area is the hee grounds, there's a small reef out there. Hee is squid, octopus. And I used to go there and catch octopus all the time, my dad and I. My dad showed me all the fishing grounds, hee grounds, but, yes, right in front of their place. Yes.

Chair Lee-Greig: Thank you. Mahalo.

Mr. Lindsey: Good?

Chair Lee-Greig: Any other questions? No? Mahalo, Uncle. Anyone care to testify or any additional folks? No? Okay, we're going to close public testimony at this time. Okay, let's move on to New Business, agenda item E, Department of Planning requesting design review for plans to construct a new single-family home --

Mr. Kanahele: Chair? Can I request a short recess?

Chair Lee-Greig: Sure. Sure. Five-minute recess.

Mr. Kanahele: Thank you.

Chair Lee-Greig: Okay, thanks.

(A recess was called approximately 12:15 p.m., and the meeting was reconvened at approximately 12:25 p.m.)

Chair Lee-Greig: Okay, I'd like to call the meeting back into session. Okay, we are hearing New Business, item E:

Chair Lee-Greig read the following agenda item description into the record:

E. NEW BUSINESS

- 1. Department of Planning requesting design review for plans to construct a new single-family home at 399 Front Street, Lahaina National Historic Landmark District, TMK (2) 4-6-002:001, SMX 2019/0046 (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

Ms. Kehler: Thank you, Chair. The applicant wants to present his project to the Commission, and then I'll follow with the staff report.

Chair Lee-Greig: Thank you very much.

Mr. Sandor Shapery: Good afternoon. Sandor Shapery, I go by Sandy, the applicant, and I wanted to say thank you to Chairperson Greig, Commission Members for allowing me to be here and present on my project. I guess my first question is how many of you had an opportunity to read the response that I did to the report?

Chair Lee-Greig: Hi. I'm sorry. I was -- normally, the presenters don't ask questions of the Commission, so if we can -- you're just presenting.

Mr. Shapery: Well, what I'm trying to do is -- is kinda shortcut the presentation. If everybody read it, then I can just hit -- hit major highpoints that I think are important, so that was my purpose of the question --

Chair Lee-Greig: Yeah. Okay. But go ahead and --

Mr. Shapery: But I'll go through the whole thing then --

Chair Lee-Greig: Yeah.

Ms. Shapery: Not a problem but, basically, to bring everybody up to speed, tell you a little -- first, I wanna tell you a little bit about myself. First, I want to -- I want to compliment all of you for taking your time particularly to be a member of this board. I -- I have -- I am also a historic preservationist and have sat on similar boards in the city of San Diego; in fact, I've -- I've received historic preservation awards, Preservationist of the Year in 2011 in San Diego, Preservationist of the Year 2016 from the State of California, and I've done probably -- well, at least I was told by the Save Our Heritage Organization, who is the big historic preservation organization of which I was a member of the board of directors that one of the awards I received was because I had restored more historic projects in -- in San Diego than anybody in the history of the granting of the award through -- through Save Our Heritage Organization. And, in fact, on my -- on my response, does everybody have a copy of the response by the way? Okay, if -- if you look on the second page, there's 8 or 10, 12 different restoration projects that I've done so I just want you all to know that I have a -- a love in my heart for restoration and an extreme sensitivity to it, and I've actually done many, many restoration projects. I'm very sensitive to -- to that need. So, again, they're all -- the projects are all listed there. And I've also done major projects, modernistic projects on -- I think it's the third page is one of the iconic buildings in Downtown San Diego that I designed and developed; in fact, I live on top of it. So I -- I've done both modern and historic, but you can see I've done a lot more historic than I -- than I've done modern,

What brought us to Lahaina is we -- we originally had loved Hawaii and ended up developing a project over nine years, which was a giant art project in Kapoho, right on the bay, and if you look on the fourth page, you will see some pictures of that facility. It consisted of three homes and a compound right on the bay. Unfortunately, I miscalculated the potential volcanic danger and the entire property, along with 500 of my neighbors were lost -- lost to lava and, in fact, what once was a 450-foot, 2.5-acre parcel on Kapoho Bay is now a mile from the ocean, so in the middle of a lava field. So that's what brought us to -- to Maui was the desire to rebuild our lives, to rebuild our -- our retirement property, not quite as large as -- as the one we -- we did on the Big Island. My plan -- plan there was we originally had three homes in the compound, remodeled, and my wife has a large family and had them -- had them there all the time, but, at this point, we're just building a three-bedroom home, 3800 square feet of usable space. The -- the code allows 7,000 square feet, so we're -- we're just a little over half of what's allowable there in terms of habitable space. Now, it comes up to 5300 if you include the garage and the storage areas and a laundry room, but still well below -- well below the requirement.

Pointing out the fact that we lost our home to -- to the lava in Kapoho, I became extremely sensitive to dangers caused by nature, and before I bought this property, one of the things I did was study the potential challenges that could be facing the property. I looked at tsunamis, recognizing that that particular area is somewhat protected by the other islands. I studied the sea level rises, which has become a major concern, and I think everybody in Lahaina should definitely be concerned. I particularly mentioned in my report the U.S. -- U.S. National Academy of Science's report that they did in 2011 and it was particularly directed in part to the Hawaiian Islands, and it indicated, and this is back in 2011, that over the next 60 to 80 years, the sea level has a possibility of rising as much as 6.2 feet. Well, that was in 2011. Since that time, there have been statements now that sea level is rising at double the rate that they thought it was. In fact, the warmest place on the planet, the greatest increase in temperature on the planet is the South Pole and Greenland, which has the greatest effect on raising the sea level. So that created a dilemma for me. So how do you address that problem? Well, the intelligent thing to do is to raise your home up at least seven feet so in the next 60 to 80, possibly 20 or 30 years, when the sea level rises, we will be protected. Now, what does that do for the rest of the community? Everybody here, and I really am sensitive to everybody's concerns and desires as we need to maintain the integrity of old Lahaina, the history, but we also need to recognize that that history may disappear in the next 20 to 40, 50 years just as a result of a 6-foot, 6.2-foot increase in sea level. Most of the homes along Front Street are going to be underwater. Is anybody looking at that? And, in fact, the report that I quoted in here from the U.S. National -- make sure -- make sure I get the name right here -- the U.S. National Academy of Science's report, how do we address that problem? That's -- that's a major issue, and, in fact, they make recommendations in there and they state that government officials should -- should actually make -- well, let's see, the recommendations are order state and county agencies to consider climate change especially -- especially SLR, which has to do with sea level rise, in their missions and to define fundable projects and programs that leads to adaptations. They further go on to say that use of planning -- of appropriate projects, such as hospitals, wastewater treatment, coastal highways, and other places where public health and safety are at risk should not be built less than above the 6.2 anticipated sea level rise. So I -- I designed my projects to address that issue being sensitive to the fact that I've already lost one major -- major part of my life, 12 years of -- of my effort. It was 12 years under construction of that property. It was just a giant piece of furniture. I used all indigenous materials, local rock, local labor, I mean it was just the work of love, the work of our project, and it's gone. So, here we are again trying to -- trying to replicate, but one runs into a conflict. When you raise a building seven feet up in the air to be protected from rising tides, what does it do to the neighborhood? You now have a property that looks like it's larger than it is, however, the -- the County regulations still provide for limits on how big a house can be. It can't be over 35 feet tall, mine's 30 feet. My neighbor's 24 feet. It can't be over 7,000 square feet. Mine's 5300

feet if you include the garage, 3800 if you don't. So then we have the issue of massing and that's -- that's what basically the big issue here is -- is that you're being asked to look at.

I went under contract to buy this property and one of the reasons I did not talk to the neighbors while I was doing it was because I didn't own the property. I didn't even know if I was going to buy it. I had a -- I had a number of contingencies to purchase it. As someone pointed out, I -- I am experienced as a land use attorney, I haven't practiced in many years, but it didn't prevent me from knowing how to research to find out what the codes allow, what's available, and I talked to the County and reviewed with them, so I read all the regulations, went through them, found out what I was allowed to do, and I designed my home. I go to the County, they said no, no, no. This -- this does not meet the requirements of the West Maui Community Plan. It doesn't have the historic quality nature. And let me point out also that the property is not in Historic District 1, Lahaina Historic District 1, it's not in Lahaina Historic District 2, it's not in Lahaina Historic District 3. It is in the National District. But let me also point out that the National District is designed to ensure that homes that are determined to be significant enough to go on the National Register are controlled in terms of their design and all of that. Well, this was the first thing I had to look at. Well, if this property is historic, it has to be restored. So one of the conditions in my purchase contract was that I can get a demolition permit. Well, in order to get a demolition permit in Maui, you have to make application, you have to do a research report, an architectural firm that specializes in this did the study, did this report, submitted it to the State, submitted it to the County, and the result was, after months of review, they came back and determined this house does not have historic significance, it will not qualify for inclusion on the National Register of Historic Places, the demolition permit can be issued, and in order to get that, we had to extend the purchase contract because it took longer than we thought. The next requirement was shoreline certification. We got a shoreline certification, made the application, that took several months, and what we learned is this shoreline, in this particular location, and there's a few homes right where we are, is actually growing, unlike many parts of Maui where -- where the shoreline is eroding our shoreline has grown 25 feet in the last 15 years, so we got our shoreline certification, the sand is built up further out than -- than it was years ago, our lot size has increased, so that -- that was the issue. Then the final issue was that I made it very clear that I want to build my dream home here and I was aware of the historic requirements and -- and came up with my first design where I was aware of the historic requirements didn't generally apply to me because I wasn't in zone 1, 2, or 3, and the property was not of historic significance to qualify for the National Register of Historic Places, so I designed my home and went to the County. Well, they first said no, no, no. This -- this does not look like historic Lahaina. You need to be using the same materials, you need to be using the same roof style, so we did our first redesign, went back, and they said, well, no, it's better but, you know, we

don't like this, we don't like that. To make a long story short, this is the fifth redesign. Now the fourth redesign, we went to the County, submitted it, and again, we felt that -- that the -- the Cultural Resources Commission, whose primary concern is to determine whether the property is historic, that was already taken care of, so, quite frankly, I was -- I was a little surprised that we even -- we even ended up here, but I want to do what's right and I want your input in terms of what I can do to improve my property or how we address the issue of the massing of the house and still get it up where, in 30 or 40 years, it's not going to be inundated like much of Front Street will be, in my opinion and in the opinion of the United State Government. So that's what brought us to -- to that point, so, basically, going through the County, I got a determination, finally after the fourth redesign, okay, the building qualifies, it meets the criteria established by the -- by the West Maui Community Plan. Okay. Do I have a buildable project? I assume so. But now we come here and I get feedback from -- from the County that, well, maybe -- maybe -- maybe we should pullback that approval. Well, I'm not sure about pulling back an approval, but it's to the point of how do I address the issue that -- that are involved? And the biggest problem seem to be one of massing. Well, how to make a building look smaller that's seven or eight feet taller than the rest of the neighbors? But let me remind you, it still is five feet shorter than the maximum allowable under the codes. So it seems to me that the -- that the challenge is if the neighbors all feel that the buildings that are being built now on Front Street are more than -- than the historic character of the neighborhood, then we should change the codes. We should clearly define you can't build a 30-foot tall building even though it says you're allowed 35 feet because it has too much mass. Or you shouldn't be allowed to build a 5300 square-foot home even though the code says it has seven -- you're allowed 7,000 feet. The codes need to be changed if there is a challenge and -- and I built according to the codes, I did many, many redesigns with the County, and now we're back to -- to a further -- further consideration. Well, I wanna be a good neighbor. I wanna be part of -- my wife and I plan to be a part of the community. In fact, some day I may sitting on this board. I've certainly had experience doing it in the past on all my historic projects, plus by legal background knowing of the regulations of what things need to be changed if you wanted to be more effective than what you're doing, you know, that's something I -- I can see myself helping out on.

But back to the issue. The biggest concern, there is -- there is a number of -- number of challenges and there's about three or four different refinements that I wanted to pass by your -- your Commission and see if I can get some feedback or an okay or a not okay for some individually rather than yes or no for the project, so I'd like, you know, I'm trying to do this design approach piecemeal, one at a time so I can address the issues, and if you look at the following page, on my design, I have a couple perspectives in the front design and the back or an ocean-facing design, and one of the things I'm trying to do is -- the concern is the mass, so what I have done is to try and make the building

look smaller on the front even though I was told by the County that the important consideration is what does it look like from the street, from the ocean it's not as important to them or is not a big concern, but they want from the street to look like the rest of the houses conforming, so we modified our garages; we had the curb sections in the garage, we went to straight sections; I originally had lava rock on the -- on the walls of the garage facing the street to try and make them blend in more with the front wall that I wanted to build, and was told no, that -- that might be too much rock, and I just wanted to get a read from you guys that is it better to have lava rock on the garages so the wall blends in or -- or should it be wood, you know. These are some of the -- some of the individual issues that I was looking at. Secondly, again, if you're on the oceanfront, and what I tried to do there is eliminate a balcony to make it look more like a one-story house in front instead of a two-story house because remember it's raised up seven or eight feet higher than -- than my neighbors. So that was one of the issues that I wanted to seek a determination on.

There's been a -- it's part of the report, there was a Figure 4 home as an example, and I compared it with mine, and the indication was there should be more setback. Well, I submit, I have the setbacks. In fact, the example used the applicant's response no. 1 is a photograph of a home that is two-story on both sides and single-store in the front, and it goes back two-story in the back. I submit that the front of my house facing -- facing Front Street is only the drive to the single-store so, in reality, if you look at this, it's not going to look as big as the Figure 4 example. There was talk about round walls, but I think one of the -- one of the examples in the report that you have there shows a round wall on an older historic home, I think it's the -- this home right here, and if you read carefully it says, "Example home with single round wall. This plan shape could be implemented with round façade facing the ocean." Well, that's what we've done. So they suggested it, we've done it, and we have this round façade facing the ocean, and all I'm asking is I would like to make it look more like a single-story home, I wanna remove one balcony and make my doors taller, so that's one of the issues that I was interested in.

Then there's other talk about round walls. The garage walls were round, and I changed them because they could be seen from the street. Now there are two round walls on the second floor bathroom, but they cannot be seen from the street. They can't be seen from anywhere except on our property. So is that an issue? I think it's a non-issue. I'm asking that I be given permission to keep my bathroom walls that are round on the back side that can't be seen by anybody from the public, so does it matter that I have round walls but nobody knows it. That's -- that's another issue that was interested in and concerned about.

I mentioned the stone on the garages that I would like to have the stone as important consideration.

And then I -- I want to address the West Maui Community Plan, which specifically says that the Community Plan's goal is to maximize the view from the street to the ocean. Well, you have a picture of a home right there right now and there is no view from the street to the ocean, but if you notice in my design, I've addressed that issue, and I think I've -- as nobody else in the neighborhood has done, and what I've done is I've taken my front wall that I'm proposing to build six feet tall and dropping it down in the ten-foot setback on both sides of the building, so when you walk along Front Street, you can look right straight through the section wall or drop down you could see the ocean, so I am improving the view from the street to the ocean, and I think Mike had brought up the point that, you know, this is his view and he's concerned about it, but let's look -- let's look at the picture of the current house, page 2 of the response. Look at the picture. You can't see the ocean at all, and that's a single-story house. I think I've done a much better job to create view access and ensure that -- that it stays there for everybody more so, not more so, I mean there is none now and I'm implementing this.

So where does that bring us? The big issue here now left is the -- the mass of the house, and, yes, it does look bigger than its neighbors because it's eight feet higher up, even though I tried to shorten it down as much as possible, I'm still at 30-foot height from the -- from the ground up to the top of the roof, but I'm allowed 35 feet. As I say, my next door neighbor is 24. By the way, my next door neighbor did not come and testify but he told me that he sent everybody on the committee a letter of support of the project, so we do have somebody that -- that supports the project and is in favor of it and a local member. So, basically, what I've tried to do is first address the bulk issue, but then as a compromise, my wife and I discussed that, okay, let's assume the sea level does rise at twice the rate 30 years from now, 20 years from now, 40 years from now, we may be in trouble if we don't raise the house. Well, my wife and I discussed it and, at our age, we've decided, okay, let's bring it down, and we'll suffer the loss, and we'll be like all the rest of our neighbors in 40 years from now when Lahaina's inundated. We're willing to do that if we have your support. That's basically our pitch and that's our view point, and any questions, happy to address them. In fact, I put in some drawings with -- with the house dropped back down. You can compare the appearance of the mass. One thing I did do in the original plan with it raised up eight feet, I made the floor to ceiling height nine feet, probably about what this is, in my home I would like it to be ten feet, so if I'm dropping this thing down, I'm adding a foot to each floor so I'll have ten-foot clearance on the first floor and the second floor, so that's basically the only difference, but you can see the plan in my response and I think it's made a big difference in the appearance from the street, the side view, and everywhere else, and I would hope that -- that this Commission could embrace what we're trying to

do, our intentions and our efforts. The last thing I want to do is force our plan on people that don't understand our point of view or we're trying to understand their point of view and address the issues, we think we've done the best we can and made compromises particularly to the fact that our house will be subject to inundation with this proposed plan to bring it down by that eight feet, so with that, happy to answer the questions.

Chair Lee-Greig: Questions for the presenter, Commissioners?

Mr. Shapery: Oh, one other -- I'm sorry, one other thing. One of the things that there as a concern about the wall, I think -- has everybody been given a copy of the photographs? If we could pass those out. I took photographs along the three-block stretch with my house in the ...(inaudible)... showing the walls that are six feet or taller, and half of the properties that have walls at the front of the property are six feet all. If you notice mine is six feet tall except for where the setback lines are, I dropped it down to four feet so people walking along can see the ocean, but everybody is talking about we don't want to change the character of the neighborhood, this is the current character of the neighborhood. These houses do have walls all across the front, half the houses there are six feet or taller, some are even seven, and, in fact, if you look at the -- this property right -- right here, I don't know if you can all see that, this shows the easement right next door to our property, the easement for public access, so we have people walking right -- right next to our property all -- all the way down and this is our neighbor's answer, built his home, got approvals, seven feet tall, his front wall is six feet tall along with all the rest of the neighborhood, there are either walls or fences all the way across there, so the character of the neighborhood is as the photograph show, not three-foot walls, but, again, I'm a preservationist, if someone feels that that three-foot wall has historic significance, I'm happy to leave it, build my new wall right behind it so at least we have something that people can look back on and say this is what old Lahaina was when you could leave your home and leave your doors unlocked and not worry about security, not worry about heroin addicts on the street. In fact, our tenant in that property right now had his hammock stolen and his barbeque, he's been there for three weeks, right out of his backyard, so is there a need for a wall? You know, it's -- it's a sad thing to say but society has changed and we have to adapt and part of that is a need to protect our property. So with that, I'm asking for your approval of my six-foot wall in front with a drop down to four feet; now what I'm doing on that four feet is putting real fine little stainless steel wire that nobody will see but it'll help keep people out so it will be protected.

Ms. Albino: I have a question. You propose changes to the challenging codes in your statement. Have you considered cultural codes in all of your deliberation with your findings? Cultural -- I mean Hawaiian cultural codes that existed before all of the malahini came to Hawaii. Have you considered that?

Mr. Shapery: I have -- I have done a lot of research in many areas. In fact, one of the -- one of the research items that I got into was -- was to study the importance of, in Hawaiian culture, of the phases of the moon, and, you know, there is a name for every different phase of the moon, every day there's a different name and a symbolism, and a way of living a life that people do, you know, when you should plant, when you should fish, when -- so many different things, and it was a wonderful, wonderful experience to learn about that, and I studied the sense of place where -- where the Hawaiian culture is such that the Hawaiians, in their navigation, it was always in relationship to where they start from, what the tides are doing, the winds, the circulation, and all that, and how they fit within that rather than like Columbus, okay, we're going this way, we got a -- we're off and running, so I have studied that, and I've become aware of it, and, in fact, my original plan was I wanted to create the houses a series of circles, and I wanted to represent the different phases of the moon in those circles, like you have a crescent moon means one thing and I was going to use that as part of the design, however, when I talked to the County, it became very apparent that this better look like a plantation home from the street, you know, so I kinda gave up on that direction and quickly modified it, and as I said, this plan is the fifth redesign and, again, it's my understanding that I had -- I have, you know, County acknowledgement that the plan, as they had approved it, conformed to the West Maui Community Plan so -- but I'm here because I want to be a good neighbor, I want your input, I want help, and I want to understand what more I can do to make the project better.

Ms. Albino: Thank you for your study of the lunar cycle and how they relate to us as a people. I am just concerned, as you represented your -- your community and the houses look like they are -- they are out of character for Lahaina, a lot of gated communities, and I don't know about the precedence that was set before you, but it appears like they got away with a lot of things, the building, like the walls higher than yours, I don't know about the real size of the buildings surrounding you, but it appears to me that there -- there is a trend towards a more -- a different type of community rather than the culturally acceptable and community acceptable designs for their community. It appears as though you're going beyond what the expectations are and even your prediction of a 40-year rise in tide and stuff like that, we might be -- you and I might not be around, we tend live over 100, maybe it'll happen, I don't know, but I think that the proposed changes to changing the code and I think community should be involved, it appears you dealt with -- with the County and the State and -- and such, but the community, I mean all of them, not just the ones that exist in this area, but all of Lahaina should be considered, and you should listen to them, and see what they feel, and that's my whole thing about -- sometimes people come in to make changes and they don't care what other people think, they just wanna do it because they want a 12-foot ceiling or a 6-foot ceiling, it doesn't matter, what matters is do we live together with the people

and can we help each other; that's the kind of Hawaii we live in and a lot of it is disappearing because of different changes and because people come with their designs and they don't consider the people here. That's our history as Hawaiians. We've been occupied. And so a lot of that -- that idealism has become part of what is acceptable and this minority --

Mr. Shapery: Absolutely. I agree with you 100%. The big challenge that -- that I find as coming into the community is here I read the West Maui Community Plan, I read every code section that applies to the design, to the development, to the construction, right down to -- to the resolutions that made your committee what it is, you know, I studied all of it, and I did this before I closed on my purchase. That's why I didn't talk to my neighbors because I didn't even know if I was going to have them as neighbors. It wasn't until, one, did I -- did I determine that the building had no historic significance; two, did I get a shoreline certification; three, did I get a design approval that met the West Maui Community Plan, and only then did I close the property and that's when I started meeting my neighbors, but at that point, the building was designed, been through four -- four redesigns, got it approved, and here we are, so that's -- that's kind of what happened. And I agree with you completely that the big challenge is that the community expectations don't match the community laws and rules and regulations when I can go ahead and design a building up to 35 feet tall, when I can build this 7,000 square-foot home on my property, when I can have a front wall 6 feet tall and side walls 7 feet tall right all the way up to the front property line. It's in the codes. It's allowed. So people that are trying to develop something here look at the regulations or they, maybe even out of town architect, in my case, I do my own design, but they would come in, submit their plan, and then all of a sudden wait a minute. You're not in -- you're not in sync with the community's wishes and goals. The problem is that the laws do not reflect the wishes of the community. Now, the question is do they reflect the wishes of some of the community and the part of the community that -- that doesn't like those laws are the ones that show up at the meetings? We don't know. I don't know. But I've been to -- I've been on a number of boards and it's usually the vocal ones that -- that are more interested in the community and sometimes they -- they try and push beyond what the rules allow knowing that if they don't, they're going to end up with less than they possibly could, but it's a -- it's a big challenge and I really think that the issue is one of getting your laws to conform to what the community's looking for so we don't end up doing the things that we did to get our approvals thinking, oh, we're in great shape, and then here we come, we have opposition and people that aren't happy with what I'm doing. I don't want to be in a place where I'm unwanted by people, so what am I doing? Okay, I'm, you know, 74 years old, I'm going to drop my house down and hope it doesn't flood before I die, and forget about my kids, my grandkids, my heirs, I'll just be like everybody else marching out into the ocean, or my heirs will, when Lahaina gets

flooded. So I am, you know, offering that compromise in order to get my project through.

Chair Lee-Greig: Thank you.

Ms. Albino: I apologize that you had to be in a place like Kapoho that the flow inundated your home and your property, so wise planning. Sometimes we have think beyond what we see and feel. Sometime we have to look -- our culture looks at Ke Akua, I don't know if you believe in God, but we know He -- He is at the root of everything, so, you know, all of these elements you look at. Sometimes we forget to look up. So Hawaiians built at the sea level and -- and we know climate changing is happening, we see it all around us so --

Mr. Shapery: In fact, you know, it's interesting because I look at signs like that and here my wife and I said, okay, let's just bring the house down so the massing is not a big issue like it would be bringing the house down so -- and I wanted to show the -- the front of all the houses, so I'm over yesterday copying -- having photographs copied for everybody and the woman says, oh, what's this all about, she's doing the copying? Oh, I've been in -- I grew up, I was born here, and love the place, but I would never, never build on the ocean because it's going to get flooded, and she said, well, you know, I live up on the hill and still I had to evacuate when they had the tsunami warnings and -- and from Fukushima and all that sort of thing, so it kinda caught me, oh, am I doing the right thing offering this compromise, you know --

Chair Lee-Greig: Right. Right.

Mr. Shapery: I mean I -- so it's I'm very torn.

Chair Lee-Greig: Thank you. Thank you for offering that compromise, but do we have any other questions for the presenter? Yeah.

Mr. Kanahale: Thank you, Mr. Shapery, for being here today and for providing us with the additional information, which, you know, it's the first I've seen your responses so -- and -- and my condolences on your loss of your Kapoho house. Actually, I'm familiar with that house. I saw -- I haven't been there but I spent a lot of time in Kapoho as a kid growing up because my mother is from Hawaii Island and --

Mr. Shapery: Well, I probably started on it when you were a kid.

Mr. Kanahale: So, you know, I've been to the Champagne Lake, I've been out there to the tide pools and -- but I saw your home, it's a beautiful home --

Mr. Shapery: Thank you.

Mr. Kanahale: Unfortunately, that's all gone, and I'm sure that was a hard loss and you're that -- you know, you spent 12 years of your life creating that -- that place so -- so my understanding is that this is going to be your retirement home. Is that correct?

Mr. Shapery: Well, the way I feel, my plan is to never retire because I think when people retire, they kinda just stop being effective, but my plan is to slow down, spend half of my time in Lahaina, half my time in San Diego, so it's going to be half a -- well, half of -- half the year I will be here and half the year in San Diego.

Mr. Kanahale: So will it be you primary residence or will San Diego be your primary?

Mr. Shapery: No. When I get to that point, I hope to make Lahaina my primary residence. The tax laws are better here.

Mr. Kanahale: Right.

Mr. Shapery: Which is somewhat of a motivating factor.

Mr. Kanahale: Right. And -- and then it sounds like you just -- did you recently purchase the property? It seems like you were doing a lot of homework and -- and whether or not you wanted to purchase it and you did -- you did your research before you went ahead and purchased it, so did you purchase the lot recently?

Mr. Shapery: Exactly. What I did was, originally, we put it under contract last August and put in so many months, a time period, to, one, get my design approval; two, get a shoreline certification, and, three, get it declared -- or get a determination that it's none - - not historic so we can get a demolition permit because without those three, I couldn't build my home. And as a result of taking more time to get each one of those, we extended escrow twice, I closed -- I closed on it on February the 12th, almost two months, month-and-a-half or two months ago, after my last meeting with the County where I was notified, okay, it's in compliance. So, at that point, I went ahead and purchased the property based upon my belief that I could build.

Mr. Kanahale: And then -- and then with your planning, you came up with these final designs, I mean you've have four revisions ...(inaudible)... but pretty much the basic design was -- was presented to the County about the time you were -- before you closed?

Mr. Shapery: No, it's changed substantially. I did four designs with the County and now I've got my fifth one is proposing to bring it back down to -- to address big concerns that people had and to, hopefully, get the favor of -- of the Commission and my neighbors.

Mr. Kanahele: Yeah, well, the reason why I'm asking you these questions, and I asked all the testifiers who were here testifying on your project as to whether or not they had been consulted, and I think there were at least three or four testifiers that said they hadn't been consulted maybe on the design that you have presented to the --

Mr. Shapery: No, they were not consulted because the fact that I didn't know if I was even going to buy the property, so I -- I did not --

Mr. Kanahele: Right. Right.

Mr. Shapery: I assumed that the County -- that the County has done this for so long and so many times that they -- they knew what the community would accept and wouldn't accept, and that's why we did this back and forth, three or four different times, actually, I had I think it was three meetings with the County --

Mr. Kanahele: Yeah.

Mr. Shapery: Two or three in person and then -- and then communications back and forth after that until we finally got, okay, you comply, and then I called escrow and said, okay, we're going to buy, and we bought.

Mr. Kanahele: So this is the first time that you've been involved in a public forum where folks have had the opportunity to come and testify on your project?

Mr. Shapery: Yes.

Mr. Kanahele: Alright. And prior to that, were -- any notifications sent out to your neighbors either as required or on your own ...(inaudible)...

Ms. Shapery: I didn't -- I did not send out notices. First of all, I did not own the property and I did not want to do too much to upset the seller, you know. Sellers are sometimes very sensitive and if you give out too much information, and you don't close, they end up -- in fact, I've seen people sued by perspective buyers doing research, giving out information to the public, which kinda tainted the potential to sell the property to someone else and they end up getting sued.

Mr. Kanahale: Right. So you -- you were not expecting to come before the CRC as far as you -- you knew? It was just going to be handled in the Planning Department. You had no expectation of coming before a body like ourselves?

Mr. Shapery: That was -- that was a question I had because as I read the regulations, my understanding is that the Resources Commission is primarily addressing the historic nature of the property and do they -- does the property qualify under the Lahaina Historic -- the National Historic District, does the property qualify to be included on the National Register of Historic Places, and if it does, then a whole set of rules come into play that are involved, and I understand that one of your main function is to make a determination whether or not the property has historic significance, so we went ahead and hired people, did all the research, and the determination from the County was we see it clearly here, there is no issue of historic nature of the property; in other words, it did not have anything that -- that would allow it to qualify as inclusion on the National Register of Historic Places, so they said we accept that. We're okay with the report. We accept it.

Mr. Kanahale: So maybe from your perspective, you don't understand why you're here given what you ...(inaudible)...

Mr. Shapery: I understand that I'm here because this committee also has the right to make determinations relative to view plain and to scale and massing. So the view plain I have addressed, I believe, very adequately, more so than any of my neighbors up and down the street by giving -- see, our house has a ten-foot setback on each side to the property line, so in that setback, where there's no house 'cause what's the point of having a view plain if you're looking at a house, you know, the goal, in the code, the West Maui Community Plan says that the goal is to try and -- and ensure that there are view plains from the street to the ocean, so the only place we have the potential for that is your property setback where you can't build your house, so we took that setback line and dropped our wall down so you can see clear to the ocean, so we did that and we thought, okay, great, well we've addressed that issue. Then the remaining issue says our house have greater bulk 'cause it appear to be bigger and bulkier than the neighbors. Well, the answer is yes, and there's one reason why it appears to be bigger is because the thing's eight feet taller and -- and being eight feet taller and no larger than our neighbors, we don't have more square footage than many of the houses along there, but because it's eight feet taller, it's still though in compliance with the building code, it looks more massive, so my wife and I decided that we don't wanna be -- be shunned by the neighbors or -- or anybody unhappy with us, let's bring it down, we'll bite the bullet, and when we're dead, who cares what happens with the heirs. You know, they're -- they're getting enough anyway. So at least that was our approach.

Mr. Kanahele: Chair, I had more questions but I don't want to take up all the time so I'd be willing to allow others to ask questions and --

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: I'd like -- I'd like to just comment, okay. I understand there were a lot of concerns on how did they reach this point, the challenge that went through to get here, but right now, we're just here to look at the design, see if we -- if the design is good, is it affecting anything historical in that area, and I think that might help us to go a little faster, but again, beautiful home, you did a lot of work, we appreciate that but, you know, just to make this a little shorter, let's focus on what we're here for. Thank you.

Mr. Shapery: We have a plane to catch too.

Mr. Lay: Okay.

Mr. Shapery: We appreciate that

Ms. Maydan: And, Chair, if I may provide some clarification.

Chair Lee-Greig: Yes, please.

Ms. Maydan: So as noted, the applicant did conduct some preliminary consultation with the Department prior to submitting a formal application. As he noted, it went through several rounds of revisions based on Department comments. Once the application -- and he received preliminary determination that the plans were consistent with the West Maui Community Plan as required by the special management area, which the property is within. Once the formal permit application was submitted to the Department, the Department received phone calls of concern from neighbors, and once the -- the planner was also able to do a deeper analysis of the plans, there were still concerns as far as does this comply with the West Maui Community Plan, so that is why we are here today for you to provide design review of the plans. So I think it's important to -- to understand whether the applicant wants to withdraw his plans as they are formally submitted and modify them as has been spoken to today or not.

Ms. Desjardins: I just want to make a clarification too. So you folks clearly have the jurisdiction and authority to comment on design review for this project. I guess from listening to the testimony of -- of the folks who are building this home, I guess the concern that I have legally is that if these plans deviates significantly from what they are right now, they're going to come back here and get reviewed again. So I hear you saying you're considering substantial changes to those plans, and if that is the case, I

don't -- I mean we can go forward and limit, you know, this discussion to really review of the design, but it may be that that's going to come back unless you want to tell me otherwise, Planning Department, but that's how I read the law. I mean the plans, the final plans are the plans that we're going -- you folks have the right to review.

Mr. Shapery: Well, my hope was we have a plan submitted, and I am sensitive to the comments and I'm sensitive to the report, so I am proposing an alternate, and if I could get a read that if the alternative is acceptable, I will incorporate that design in the plan and it will become the final plan, but I'm not -- I'm not willing to say, okay, I give up the plan that's already -- I was already told complies. What I'm asking for is I am willing to address the issues that people are concerned about and if I do A, B, and C, is it acceptable to you.

Chair Lee-Greig: So I would -- okay, so I would like to hear the staff report and what the concerns from staff are with regard to -- before making any -- before providing any comment on whether an alternative is acceptable or not, give the staff to -- a chance to present the report on this application.

Ms. Kehler: Thank you, Chair. So as Jen mentioned, once we received the formal application, I had time to do a little bit deeper analysis on all of the relevant policies that pertain to this project and the West Maui Community Plan. And so the staff report, which is this document here, it gives you background on the project, it tells you what your scope is in reviewing the property, it tells you which policies apply most to this review, it gives you my professional opinion on how I think the project may or may not be consistent with these policies, and you can use these findings in the staff report to develop your comments, you can discard my findings and develop your own comments. You know, whatever you choose to do as a Commission, I recommend that you ground your comments in the bolded policies that are pulled from the West Maui Community Plan and another applicable design -- design guidance document that's established in the County Code and that will help you develop comments that are helpful to the design, and then there was another question about whether additional comments about cultural concerns can be made and that's -- that's absolutely you can do that as well. So in addition to the policies that I pulled out, if there are cultural concerns, please feel free to make those.

So getting into the staff report now, everybody knows that the scope here is, of the project, is to demolish the existing single-family home and the existing rock wall and to build a new single-family home, two single car garages, and a rock perimeter -- and new rock perimeter walls, okay. And so as Mimi mentioned, your authority here is to comment on the proposed design, and that authority comes from subsection 2.88.060.F, of the Maui County Code. And so the existing single-family home at 399

Front Street is within the National Landmark District, it's outside of the two County Historic Districts in Lahaina, but it is inside the larger National Landmark District, and so real property -- real property tax records indicate that the home was originally built in 1955, and there was a reconnaissance level survey done by Mason Architects, and the survey, basically, determined that because the home has low integrity of materials, design, workmanship, feeling, and association, it's not eligible for a historic register, so the CRC does have a limited approval power in the National Landmark District but relegated only to buildings of historic significance. Unfortunately, this home doesn't qualify, it doesn't meet that qualification so the CRC's authority here, again, is to comment on the proposed new design.

And so in my findings, I -- so in section 2.88.080, of the Maui County Code, there's a number of guidance documents that are established that the Commission uses to perform its duties. So of those guidelines, the West Maui Community Plan and the Secretary of the Interior Standards for Rehabilitation apply most to your review powers for new construction proposals in the Landmark District, okay.

So the first part of my findings talks about the West Maui Community Plan and, specifically, I've pulled out the policies that speak to the desired appearance of new construction in the Landmark District, and so the first policy in the Community Plan that speaks to that says: Maintain the scale building massing and architectural character of historic Lahaina Town. So I provide my analysis below. It says: The plans call for a new home that is 5,394 square feet. The existing home on the property is 2,166 square feet. And then I talk about the range of sizes of historic homes in the area, they range between like a 1,044 square feet and 2,540 square feet. And so in terms of scale, the proposed new home on this property is larger in both footprint and height than the majority of the homes in the area, and, you know, I say -- I acknowledge that there are newer homes in the area that are similar in scale to the proposed home, but the Community Plan speaks to maintaining the scale of historic Lahaina Town, not new Lahaina Town, and, additionally, the new home's front façade, it appears like a large solid wall, and I'm talking about the main -- the main home, the main structure, not the two things in front of it, you know, with the exception of the two inset porches on the single -- on the second story, the front façade of the main home is a large solid wall. And then I -- you know, the scale and massing of the new -- the proposed home, they're somewhat mitigated by the proposed single-car garages and the proposed winged attachments that sit in front of it, they do help to break up the massiveness of the main house, but I think that the main house's scale could be further mitigated through more appropriate massing, so when you're talking about buildings that have larger massing than the buildings surrounding it, sometimes it helps to break up the façade, the front wall of the building and subdivide it into smaller masses that are similar in size to the surrounding buildings, and then it also helps to kind of push those smaller modules

forward or -- or push them back, or step them forward and that helps to break up the massing and make it appear more compatible with the surrounding homes, and so I included an example of a really, really large historic home that sits inside the Puamana condo complex, and it is huge, it's really big, but it is broken up into smaller pieces, and then those pieces are at different wall plains so it helps to make it look not so massive. And then related to mass, the plan show that the new -- the new home will incorporate round walls, and this is an incompatible design element for the Landmark District. There isn't any other historic homes in the area with round walls, they all have like flat walls that converge at right angles, and the round walls make for the oddly shaped roof on the main structure of the proposed house, and that roof shape affects the home's massing and makes it less compatible with the historic home -- with the historic homes in the area. The smaller single-car garages, which are closer to the street, they don't have round walls and they do incorporate deeply pitched roofs. These elements do help the house better relate to -- relate better to the massing and scale of the surround homes, however, incorporating flat walls into the front and side facades of the main home would further mitigate its massing. Additionally, if the round walls were just limited to the back façade, so the ocean-facing façade, it would make it impossible to see from Front Street and it would give the home the appearance of more appropriate massing. It would also allow for the use of more compatible roof forms on the main house so -- and I provide an example of a home that incorporates a single rounded wall, it's not from Lahaina, just to be clear, this is just an example to show you how a single rounded wall might be incorporated into a plan that otherwise is normal shaped.

Okay, so the next applicable policy in the West Maui Community Plan states that buildings and renovations of existing buildings in Lahaina Town should respect the scale, texture, materials, and facades of existing structures in the Lahaina Historic District, okay, so that's another term for the Landmark District. So my analysis says, you know, as I previously stated, the new home scale is larger than most of the historic homes in the Landmark District. And I also said that the incompatibly -- incompatibility and scale could be mitigated through more appropriate massing by breaking up the front façade of the main house into smaller chunks and pushing them forward or stepping them back. The plan shows the main home will be clad with horizontal wood siding and incorporate lava rock veneered support columns.

So the next applicable policy states: Building heights should reflect the context of existing building heights and massing in the Lahaina Historic District. The maximum building height shall be two stories, or 35 feet, with a mixture of one and two-story heights encouraged. Okay, so the plans, they call for a two-story house, it's 30-feet tall, this is less than the recommended height limit in the West Maui Community Plan, but it's still taller than single-family homes in the area. Additionally, the proposed height exceeds the height of the existing home on the property and a single-story home

directly to the south. The property directly to the north is a newer home with a height of 24-1/2 feet.

So the next applicable policy: Encourage the use of natural materials in existing or new buildings. Okay, so the plans call for horizontal wood siding and lava rock veneer support columns so that's consistent with the language in the West Maui Community Plan.

Okay, so on to the next guidance document that applies to this project, it's the Secretary of Interior Standards for Rehabilitation. Okay, so the first applicable standard states that significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. Okay, so my analysis says that the plans call for the demolition of an existing low rock wall that separates the street from the existing home. My estimation is that the rock wall is likely more than 50 years old and it possibly predates the existing home, and in general, these rock walls are important streetscape elements in a landmark district and they're loss erodes the special character of the area. And so the plans also call for ground-disturbing activities including a koi pond and installation of column footings to support the new house, so aside from the demolition of the rock wall, we don't really know how the plans will affect significant archaeological resources and that's where I say that the plans need to be reviewed by the State Historic Preservation Division to determine the appropriate level of archaeological investigation and mitigation.

The next applicable standard in the Secretary's Standards states that new additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

So, my analysis. So because the existing home is not considered significant as we define it in the code, it doesn't -- its demolition doesn't necessarily constitute destroying historic materials that characterize the property, but the rock wall that separates the house from the street, that might qualify for a register so its demolition could possibly involve destroying historic materials that characterize the property. You know, it's pretty clear that the new home is going to be differentiated from what's there currently, but as I said already, its scale and massing are not compatible to surrounding historic homes, okay. So the plans also call for six-foot tall perimeter walls and this is not compatible with the size and scale of historic rock walls in the area, okay, so there might be newer rock walls that are taller but that is not a historic feature of Lahaina, and, historically, these short rock walls, they were used in the residential areas of the Landmark District

to separate homes from the street and their short height allowed for visual continuity between the homes and the streets, and so the applicant provides breaks in the front wall that allow for views of the ocean from Front Street but that's not really enough, in my opinion, that's not really enough to mitigate the height of the wall. I think that the height of the new wall at the Front Street side of the property will still disrupt this visual continuity that characterizes the property and the rest of the Landmark District. The new perimeter walls could be limited to three feet to be more compatible with the historic rock walls in the area. Additionally, the existing front wall could be preserved and construction of new walls could be limited to the sides of the property.

So, you know, in summary, the applicant did work with the Planning Department to modify aspects of his plans to be more sensitive to Lahaina's historic architectural context and, you know, the changes he previously made included incorporating hipped roofs onto the garage and the main house as winged attachments, changing the materials from all lava rock veneer to primarily horizontal wood siding, changing the window proportions on the main house, and eliminating the rounded walls on the garage. That being said, elements of the plans remain inconsistent with your applicable guidelines and the sections above outline suggestions to further mitigate these issues. Additionally, the demolition of the rock wall at the Front Street side of the property is an unresolved concern. Sorry, that was a lot.

Chair Lee-Greig: Okay, thank you, Annalise. I'd like to just break for about five minutes since we've been here for a little while and resume at 1:40.

(A recess was called at approximately 1:35 p.m., and meeting reconvened at approximately 1:45 p.m.)

Chair Lee-Greig: I'd like to reconvene today's meeting and ask the Commissioners if anyone has any questions for either staff or the applicant. If we can limit the number of questions to -- to very poignant questions so we can get the ball rolling with this item. So any questions from the Commissioners?

Mr. Kanahele: Just a clarifying question.

Chair Lee-Greig: Okay.

Mr. Kanahele: So, Mr. Shapery, you -- you would be willing to lower your home all the way to ground level? Is that what you said?

Mr. Shapery: Well, actually, about a foot or two up --

Mr. Kanahele: A foot or two.

Mr. Shapery: Like I'm required to be one foot above --

Mr. Kanahele: Okay.

Mr. Shapery: Nine-foot height.

Mr. Kanahele: So the posts are like six-and-a-half feet?

Mr. Shapery: Yes.

Mr. Kanahele: They elevate your six-and-a-half feet.

Mr. Shapery: Actually, I've elevated it about eight feet and I would bring it down that -- that amount, but I was hoping to -- to pick-up one foot in the interior space of floor so I'd have ten-foot clearance instead of nine so the net effect would be probably six feet.

Mr. Kanahele: So the net effect would be instead of 30 feet elevation, it'd be around 24 feet? Is that -- or approximately 24 feet?

Mr. Shapery: Approximately. Yeah. Yeah. But the other -- the other thing is the roof on the main part of the house is a little flatter than I'd like, if I could put a peak on it to some of that and still, you know, still be compatible with the neighbors.

Mr. Kanahele: And it's that the neighbor with the 24-1/2 foot --

Mr. Shapery: Well, 24 is my next door neighbor. There are -- there are houses there that are much taller up and down, I didn't take pictures because it wouldn't be an issue, but you can even look at some of the pictures and see some of these houses in the photographs are -- are quite a bit taller up and down the street. The 24 -- the 24 feet that was mentioned was only mentioned in reference to my next door neighbor's home.

Mr. Kanahele: And then one additional question, the last one, with regards to the wall, the existing low rock wall, I'm assuming it's a -- is it a lava rock wall? Is it river --

Mr. Shapery: No, it's a river rock.

Mr. Kanahele: River rock wall.

Mr. Shapery: Yeah.

Mr. Kanahele: Okay, which is about three feet?

Mr. Shapery: Yes.

Mr. Kanahele: So you would be -- you'd consider preserving that wall?

Mr. Shapery: Well, like I said, I've done a lot of historic restoration and some of the things we try and do is maintain some of the original fabric so it -- you can still tell what used to be there --

Mr. Kanahele: Yeah.

Mr. Shapery: And, in fact, when we do additions to historic homes, we don't do them identical, we try and make them look like a cousin rather than a brother, you know, so -- so you can differentiate the old from the new, so my thought was if we have a three-foot lava rock wall right behind it, I could put my -- I mean three-foot river rock wall, I could do the lava rock right behind it. If I did river rock, to me, that's trying to cheat history. I wouldn't, you know, from my training, that's just not something that I would find acceptable, so changing materials so you can recognize the old historic fabric I think is an important consideration and I'm certainly happy to leave that wall and just put -- put my security wall behind it.

Mr. Kanahele: Leave the wall as is?

Mr. Shapery: As is so people down, oh, this is what it used to be like when you --

Mr. Kanahele: And then --

Mr. Shapery: When you didn't have lock your home and worry about that.

Mr. Kanahele: And then put a -- put a six-foot wall behind that?

Mr. Shapery: Yes.

Mr. Kanahele: Alright. Thank you.

Mr. Shapery: Yes.

Chair Lee-Greig: Any other questions, comments for the -- Commissioner Bassford.

Mr. Bassford: So these pictures, all this, with all these walls, this is not the L-Town that I knew when I grew up surfing Shark Pit, and I remember when the -- I remember when the big bunker was put in and that blew everybody away, and I was still a little kid, I was still hitching rides to the beach and having my friends take it out -- take me out there. How much willing are you -- how much more willing are you to tone it down?

Mr. Shapery: Well, I think -- I think bringing it -- bringing it down to -- to put myself in future jeopardy of inundation is pretty much. And the other issue, you know, you hit on very, very good and important point that really should be -- should be discussed further, I know you guys don't have time to get into it, but when the report was read to you and pointed out, there are things that says that my home, as designed, is not conformed to the size of historic Lahaina homes. Well, we neither do all the new homes along -- along the oceanfront, those are not 1200 to 2100 square-foot homes. I mean, you know, we appreciate historic Lahaina and everybody wants to keep that historic character, but at what point do homes built 10, 20, 30 years ago that are much larger than the old Lahaina historic 1200 square-foot homes, how many are there, and do those become part of historic Lahaina now compared to, you know, when they were first built? They've been there for many, many years. Do we not consider that part of historic Lahaina? 'Cause there is an evolution, and there always will be. I mean, many years ago, there were probably dirt floors in some of those which were just fishing shacks along there, but they're not maintaining those, and so those are considerations that need to be given. The codes aren't -- don't say we have to build within the parameters of the existing homes that are built there. No, they say I can build 7,000 square feet. It says I can build 35 feet tall. It says I can built 6-foot walls.

Chair Lee-Greig: Thank you.

Mr. Shapery: So we need to bring that into -- into conformity, you know, the expectations of the community and the rules and regulations.

Mr. Bassford: Are you willing to continue working with the community to tone it down?

Mr. Shapery: I believe that's what I've done. Yes.

Mr. Bassford: Okay. Thank you.

Mr. Shapery: But I -- yes, exactly.

Chair Lee-Greig: Thank you.

Mr. Lay: Question. Again, very beautiful work. I love the way you went through all the different thought process as far as your, if the water rise, what you needed to help prevent your house from flooding, accommodating your view points from the front yard, and everything, but for -- this might be a plantation home in the future but it's not a plantation home from the past, and for us as a historical, you know, we're trying to keep that history going, if you can step back a little bit on your design, it's wonderful, it's creative, it's really nice, and with your creativity, I know you could do it, see, but, to me, it's a little -- even your beachside, it's a little too bold for me. If it was terraced out, that would break it up, because, right now, it's a big wall, it's in the beach, it's a big wall, and I surf there and when you pass by, it's a big wall. So if it was broken up, it might be more I guess appealing to the environment around you. If you make it blend in a little bit more especially you got a really old house on one side and a house that would not pass our Commission on the other side, like you said, all these other houses, we would have issues on all of these houses. We want you to be the guy that makes the changes that says it's right, this is the right thing to do, and when you pass by they go wow, not whoa. I want wow. That's -- that's what I'm looking for is something that depicts an era that's being forgotten. Something to bring us back to that because, right now, everybody is pushing forward, doing this or doing that, they're moving forward, I'm going to build my house this way, the law says that we can do it, is it right? I mean is it right that the law says they can do it? We didn't make the law. If we made the law, we would have made the change where it would actually tone it down, we don't have that ability to tone it down, but we do have the ability to give you some direction on maybe making changes that makes it more appealing, and that's all I got to say about it. I mean you're creative, you're really good. If you're going to drop your house down, it's going to have to come before us again, and I wanna see a wow.

Mr. Shapery: Well, we have drawings of it already dropped so I would hope not to have to come before you again if everybody says, yeah, that looks like a good solution. I mean they're in the plans. They're the ultimate plans. It's there. I might add one of the things that was important to me is, you know, facing the ocean that -- that front view, those -- those windows open up all the way across so I've got 40 feet open to the ocean, which is one of the very important design features to me is living on the ocean you wanna actually be a part of it, feel like it's inside your home, outside your home, surrounding you, and one of the big considerations for me is when the County said, you know, I said this is important to be able to open this front and County said, well, what you do on the front is -- is not important, what's important is what does it look like in the community from people going down the street, people going past it, and I thought I had been sensitive to that with the exception of the massing because it was taller, so I brought it down, and I hoped that that would satisfy it.

Ms. Albino: Would you allow beach access through your side wall, whatever access you're going to allow so that they can go in the front of your property and use the -- the beach?

Mr. Shapery: We have exactly next to our property is a six-foot --

Ms. Albino: Wall?

Mr. Shapery: Dedicated easement walkway so I don't need to let them go through my property when they can go right adjacent to my property to get to the beach.

Ms. Albino: Well, my question was what if they went in front of your property?

Mr. Shapery: Oh, that's fine.

Ms. Albino: Okay.

Mr. Shapery: Yeah.

Ms. Albino: Okay.

Mr. Shapery: Absolutely. That's public -- public beach area.

Ms. Albino: Yeah.

Mr. Shapery: I recognize that.

Ms. Albino: Yeah, because if your view is really important to you and these people are blocking --

Mr. Shapery: Well, I hope -- I'm hoping the ladies wear little bathing suits and things.

Ms. Albino: Yeah. Thank you.

Chair Lee-Greig: I have a question. Anyone else have any additional questions or follow-up? I do have a design question and with regard to your beach front, the beach side, your western elevation I think that is. What's the lighting plan for that? You know, we heard testimony on other houses down the way that have security flood lights, what is your lighting plan?

Mr. Shapery: Yes, you know, I'm very sensitive to lighting. It's one of things that I really, really get into, and one of the things that I have learned and felt is important is I don't think -- I don't think it's appropriate for people to impose their lighting on other people. In other words, I believe everybody's home, if they wanna light it, people off the property should not see that light bulb. It should not be blaring on people. If someone can see off your property, you're not doing it right.

Chair Lee-Greig: Okay, so your lighting plan is --

Mr. Shapery: The lighting is going to go straight down and light pathways or if I have a tree that I love, I wanna light it up, that's it basically, but I'm going to make sure that from anywhere else outside my property, nobody can see the light source. In fact, I can relate to that because we had a neighbor on the Big Island, this guy had a porch light that he must have put 200-watt light bulb in so he could see the ocean better and every night, when he's home, it just blared at our eyes and it made me very, very sensitive to the fact that I just don't think people should be imposing their desire for light on other people's property.

Chair Lee-Greig: Right. Right. I think the concern here is, as we've heard today and with the traditional cultural practices, is the effects of that light on the traditional cultural resources that are in the area and then the ability for people who are from the area to continue to gather those resources, and so, you know, that's the concern really about the lighting is, yeah, it's a bit about an intrusion on the neighbors but also the effect on that traditional cultural resource and the -- the continued availability of that resource and being able to gather it from the very significant papa that fronts your property.

Mr. Shapery: Even lighting up the ocean is going to change the environment, you know, it's going to impact fish, it's going to impact --

Chair Lee-Greig: Right.

Mr. Shapery: All kinds of sea life and people as well.

Chair Lee-Greig: Right. So thank you for your consideration on the lighting issue. Okay, I -- Annalise did an excellent job I think in providing a really good analysis of the different aspects for this design, and I would like to propose to adopt Annalise's analysis or entertain a motion to adopt Annalise's analysis for this Commission. Do I have a motion?

Ms. Albino: I motion to adopt Annalise's report.

Mr. Kanahele: Second.

Chair Lee-Greig: Thank you. Discussion. Any discussion? Anybody wanna add anything to the report concerns?

Ms. Albino: I would like to add that that emphasis be made on the mass and height of the -- the proposed project.

Mr. Lay: And I add that I like that you're going to lower it, and the possibility of lowering it sounds really great, it's not what you want, but, yeah, that'd be great. Just a little more view.

Chair Lee-Greig: I'd like to add that I appreciate your considerations on your -- on the lighting on the beach front. There's been a lot of talk about what it looks like from the streets, but for Hawaiians and our Hawaiian practices, what is significant to us is the effect that it has on our resources and the beach front area, so I appreciate that, your lighting considerations for that.

Mr. Lay: And maybe consider, I know how you're proposing in the front where you have those cables in the front that would give a better view, maybe lowering your wall and adding that to the top which would give a little more view also, holding at your six feet that you want, but if you do the cables, at least you're opening it up a little bit more might be good for you for the ventilation also.

Mr. Shapery: Well, we have that proposed in the original plan to bring it down to four feet in that setback area.

Mr. Lay: Okay, but what about the ...(inaudible)... okay.

Mr. Kanahele: Chair, I think that, you know, contemporary large homes may -- may be the new norm for the new Lahaina, but it is not what we're here for. We're not looking at the new Lahaina. We're trying to be consistent with historic Lahaina and, you know, I appreciate all these pictures that were brought in, it does reflect that there are lots of -- that many of the homes here have disrupted the continuity from the street, and, you know, throughout Lahaina, you see these low walls everywhere, right. I have a low wall in front of my place. And I understand the security issues that the applicant may have, but I mean if someone wants to get into your property, they can get into your property and then he has, you know, he has like a section of the wall that's cut out, so other than having maybe some other security measures, I don't think the wall is actually going to add that much more security to -- to the applicant's proposed home so, you know, I would put emphasis on preserving the visual continuity of the area and getting away

from what we see in these pictures that -- and someone brought up about Makena, about if you go down to Palaua Beach, which is right across -- right across the street from the 22-acre Palaua Preserve, those homes down there have a façade and walls that completely visually block your view plains of the -- the beach and so this -- that's kind of what I see happening here with -- with all these pictures and, unfortunately, those people have built walls but, you know, again I'm not looking at the new Lahaina, I'm looking at historic Lahaina. I would like to see an emphasis put on not disrupting the street continuity by building high walls that not only obstruct the view of the ocean, although he's mitigated that, but also that free flow that, you know, you belong to a neighborhood and not only, you know, protecting myself, but you're actually to let you cutting yourself off from the rest of the neighborhood, so I -- to me, it's more aloha to have lower walls because then you're opening -- you're more open. It make kind of a statement, right, of who you are, and what you are, and wanna be in the neighborhood. So I really appreciate Mr. Shapery's proposed design, it's really quite beautiful and stunning, and you're very good at what you do, and I understand the reason why you wanna elevate your home because of sea level rise, but if there is sea level rise, 80% of the population lives along the coastline in the world and that's going to affect us globally so we're all going to be running for the hills. So I think that would help to mitigate the visual impact of the home to lower it, it sort of goes -- it sort of counterintuitive, you know, to do that, I think, but it's what it is and your -- your neighbors are concerned about the visual impacts of the home and so that's also in what the staff has put in as their analysis so, you know, I do support the analysis with those emphasis that other -- other Commissioners have made. So thank you.

Chair Lee-Greig: So I'd like to call for the vote to adopt the motion to include the recommendations that were just presented by the Commissioners. All in favor? Opposed? Seeing none, motion passes.

It has been moved by Commissioner Louella Albino, seconded by Commissioner Daniel Kanahale, then

VOTED: to Adopt Ms. Kehler's Analysis and Report to the Commission and to include the recommendations presented by the Commissioners.

(Assenting: L. Albino, I. Bassford, Y. Celiz, D. Kanahale, I. Lay)
(Excused: M. Ropa)

Mr. Shapery: For clarification, it had those additions to it --

Chair Lee-Greig: Yes.

Mr. Shapery: As recommended.

Chair Lee-Greig: Yes, sir.

Mr. Shapery: Is there -- is there a chance of getting -- getting a copy of the wording of the motion?

Chair Lee-Greig: Yeah.

Ms. Kehler: Yes. We'll send you a letter.

Mr. Shapery: Thank you. Thank you very much. Sorry to take up all of your time. Very important ...(inaudible - not speaking into the microphone)... thank you.

Chair Lee-Greig: Thank you, sir. Okay, the next agenda item, under Unfinished Business:

Chair Lee-Greig read the following agenda item description into the record:

F. UNFINISHED BUSINESS

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

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

Chair Lee-Greig: Annalise?

Ms. Kehler: Okay, thank you, Chair. I have better pictures of the home. I'm going to give them to you. They're from the building inspection report from September 2018. Okay, so just a little bit of a background. So this is a -- this situation is a little bit different than the previous situation 'cause it involves a home that is in fact eligible for a register so that's where our approval authority comes from, it comes from subsection 19.52.020.A, of the Maui County Code. Okay, so back in November, the CRC reviewed the plans to demolish the home and denied or disapproved those plans, and so the reasons for disapproving, they included feeling like you were not provided enough information regarding whether the home could be repaired or whether an architect or an engineer had been consulted to determine what would be required to renovate the

home rather than demolish it; another reason is demolishing the home will change the character of the Landmark District; another reason, lack of historical information on the neighborhood; another reason, lack of explanation or lack of consultation with the neighbors on the demolition; and then the fifth reason is lack of explanation of what the plans are for the property once the home is demolished. So at the meeting, the Commission also said that you would consider approving the demolition in the future if plans are prepared for a new house and the plans complied with your guidelines established in section 2.88.080, of the Maui County Code.

Okay, so since the Commission denied or disapproved the plans to demolish in November, there was an unsuccessful attempt made to secure means to rehabilitate the home. Lahaina Restoration Foundation considered leasing the property, rehabilitating the home at their own expense, and then subletting to recuperate the cost. This is a model that they've used for another home in Lahaina. Unfortunately, the Foundation decided not to take on the project, and so after the failed attempt to connect with assistance to rehabilitate the home, the applicants followed your recommendation and selected plans for a new house to replace the existing one. Okay, so the County Code, in subsection 19.52.020.E, it gives applicants the ability to modify their plans and submit them to you for reconsideration, and so the applicant, Mr. Durant, he's here if you have any questions, the applicant is exercising this ability and, at your advice, has selected plans for a new home to replace the existing one, and so in addition to the new home, the applicant also proposes constructing an ohana on the same property. So those -- the plan sheets for those, the new home and ohana, are included in your staff report; it's these two Hawaii Hardware plans.

So, you know, at this time, the plans for the new house and ohana are conceptual and, basically, they're kit homes or prefabricated homes from Hardware Hawaii, and the reason why they're conceptual at this time is because the applicants don't have the required financing to build the new homes right away, but they have -- they are committed to obtaining financing and the required permits to construct the two new dwellings based on the plans that are submitted in this application. So though you don't have the authority to approve the plans for the replacement house and the new ohana, you do have the authority to comment on the proposed plans, and so when you previously disapproved the plans, you recommended the applicant come back with new plans or plans to build a new house that comply with your guidelines, and so similar to the previous item, the same guidelines would apply to the new plans and, you know, if the home is demolished, you can review those plans in the future and comment on them.

Okay, so the findings. So the Maui County Code, in section 19.52.050.A, states that the CRC can't approve plans to demolish a home that's eligible for the National Register

unless, and there's three stipulations, and the first one is the Director of Public Works or the State Department of Health deems the building or structure a hazard to public safety or health and repairs are impossible. Okay, I'm not going to read the other ones 'cause they don't apply, but on September 4, 2018, a building inspector from the Department of Public Works inspected the home and determined "it is unsafe due to termite damage to framing members of the dwelling," okay, and so Mr. Dakins, the building inspector, ordered the home to be vacated and not reoccupied until authorized by a building inspector. So in the staff report, there's the unsafe building violation letter from Bryce Dakins, and the violation letter, it gives the applicant the following options: to repair or demolish the structure, or to retain the services of a structural engineer or architect, licensed in the State of Hawaii, to certify that the structure is unsafe -- or, I'm sorry, is safe. And then it says what the requirements of that certification are.

Okay, so the scope of your authority in regards to this item is to reconsider your previous denial of the plans to demolish the home. Okay, so regarding the plans to demolish the home, you have the following options: you can approve them, or you can disapprove them. Okay, so if you approve them, there is a legal requirement for the applicant to document the home according to standards established in the Historic American Building Survey Documentation Program, okay, and that's a legal requirement, and so if you approve the plans to demolish, you also have to determine whether you're going to require him to document the homes -- the home according to the standards, or if you're going to waive the requirement to document the home.

So I -- that concludes the staff report and so if you have questions for the applicant, he's here.

Mr. Lay: The house is deemed structurally unsound already, right?

Ms. Kehler: Yes.

Mr. Lay: Okay.

Ms. Kehler: In the building inspection letter, it says it's unsafe.

Mr. Lay: Not repairable also, right?

Ms. Kehler: Well, it doesn't -- the inspection letter doesn't say that. It doesn't say it's not repairable, but you might wanna ask the applicant what work he's done to find out whether or not it's repairable.

Mr. Lay: If --

Chair Lee-Greig: Please come forward?

Mr. Durant: ...(inaudible)... I'm Ronald Durant. Thank you for having me.

Mr. Lay: ...(inaudible)... question.

Mr. Durant: ...(inaudible)... sorry.

Mr. Lay: Was there any -- did anyone check to see if the -- if it was structurally unsound already and you can't replace it?

Mr. Durant: Yeah, we have a family member as a contractor and he looked and he told me that it would cost me too much to try to repair it. The framing is termite eaten. I mean there's -- it would have to come all the way down anyhow because the studs are termite eaten so there's nothing we can do to restore it to where it is. I mean we didn't have, you know, the thing was to retain the services of a structure engineer but if I -- that was to deem it safe, you know. I think Bryce already determined that it was not safe and we had to vacate the house. You know, my aunty was living in it and we had to ask her to move out.

Chair Lee-Greig: Commissioner Kanahale.

Mr. Kanahale: Thank you, Chair. Mr. Durant, I was just wondering, and I probably know the answer to this already, why the Lahaina Restoration Foundation decided not to take on the project? There wasn't -- there wasn't a reason stated why that was.

Mr. Durant: I believe they said they didn't have the resources and it didn't it -- this wasn't the right time for them to do so.

Mr. Kanahale: Okay, it was more --

Mr. Durant: That was pretty much -- I mean there was an email that Theo Morrison sent me, I'm just paraphrasing it, but it basically said that, you know, it wasn't feasible for the Restoration Foundation to do what they had done with the previous home.

Mr. Kanahale: Because of the cost perhaps?

Mr. Durant: I believe. I could only speculate that that was the reason. Yeah.

Mr. Kanahale: Okay. Thank you.

Mr. Lay: How long has your family had this property? Sorry, Chair.

Mr. Durant: Oh since, yeah, sorry. This is -- this is my -- my wife's family yeah, Sequeira family are longtime residents of Lahaina, my other aunty, the other sister lives in one house here, my Uncle Keola lives over here, and then my aunty. It was actually my -- my mother-in-law's house but my -- her sister, Aunty Babe, was living there, who the brother earlier talked about, she ran a preschool for children over there for live 20-something years. Yeah, so it's a family property. You know, we're sensitive to keeping it in the family that's why my in-laws are, you know, they're in their 80s, but my mother-in-law them want me and my wife take over because, you know, they don't when something's going to happen to them, and so they want to get things in order while they're still alive and, you know, trust me, I hate stucco houses, I'm not going to -- you know, I'm going to keep the plantation style. We're sensitive to, you know, keeping it looking country, looking plantation. I have a plantation style in Honolulu or in Kailua, but, you know, I'm not going to -- you know, we're -- and you saw the plans, I think they're very, you know, meet the neighborhood. Actually, it's -- I mean if you saw our property, the house over here is like a lean-to, which we're kinda worried about because it's deteriorated, and the house across the street is a lean-to, you know, but -- you know, but we're, you know, trying to be sensitive, you know, and keep -- we just wanna keep the house in the family and, right now, it's like -- it's unsafe. I mean we had to ask our aunty to move out and you know, so --

Chair Lee-Greig: Commissioner Celiz.

Ms. Celiz: You know, one of our initial concerns when we were -- when the plans were disapproved was that we weren't sure that the structure that would take its place would be inconsistent with the character and the historical nature of the neighborhood, so I really appreciate that you came back and showed us these plans and even though they're conceptual, at least we know that you have the intent to keep, you know, the plantation style.

Mr. Durant: Okay, thank you. And I apologize because my father-in-law was spearheading this the whole time, you know, and then -- but he just can't travel, you know, he's old already, you know what I mean, so he said, Ron, you gotta take over this so -- but, luckily, he has the manao to take care of this kind stuff and he has the wisdom of, you know, doing these kinda things, so he did all the this paperwork and filing and everything, I mean he's worked his tail off on this. I'm just trying to finish it up, yeah. But, yes, thank you. And I didn't understand this process. I apologize to Annalise, I might have been rude to your emails, I, you know, but I didn't -- now I have respect for

what you folks are doing, and I understand totally what you guys are doing, and I appreciate the opportunity to learn about what you folks are doing, yeah.

Mr. Kanahale: Are you currently being fined by the --

Mr. Durant: No. Luckily no, yeah, we got threatened, I think that's when I got a little bit antsy because I was getting threatened to a thousand dollar a day fine and that's when I kinda got a little bit maybe not pono on my emails 'cause I -- 'cause I was afraid of a thousand dollar a day fine.

Mr. Kanahale: So I mean I'll --

Chair Lee-Greig: Yes.

Mr. Kanahale: So the -- if you can move forward with demolishing the house and then be able to get the financing to put in another home, would this be something the family would use --

Mr. Durant: Yes. You know --

Mr. Kanahale: As someone's residence, and the ohana that you wanna build, would that be sort of like a rental to help pay for the --

Mr. Durant: Yeah, we thought this through so like where my aunty's house is, it's a little bit older, right, and so what we were thinking about doing was moving her into the new house and so we could fix the other house, you know, in the meantime and, hopefully, rent that out, but the ohana, we wanna build for us, for our Oahu family 'cause we come over like two or three times a year for family, you know, our family is very close, yeah, and so, you know, and we gotta pay hotel or, you know, rent, you know, VRBOs and stuff like that, so what we wanna do with the ohana unit actually is like don't even have walls, just have a big, you know, house so we can sleep on futons on the floor, that's what we plan on doing so that when our family comes over here, we can just stay there and not have to rent hotels.

Chair Lee-Greig: Any other questions, Commissioners? I don't have any questions. Do we have a motion to approve or disapprove?

Ms. Celiz: Motion to approve the demolition.

Chair Lee-Greig: Do we have a second?

Mr. Kanahele: Second.

Chair Lee-Greig: All in favor? Any opposed. Motion pass.

It was moved by Commissioner Yvette Celiz, seconded by Commissioner Daniel Kanahele, then

VOTED: to approve the demolition.

(Assenting: L. Albino, I. Bassford, Y. Celiz, D. Kanahele, I. Lay)
(Excused: M. Ropa)

Mr. Durant: Mahalo.

Mr. Lay: Let's see that new house now.

Ms. Kehler: Yeah, well, okay so -- so we got through one-half of it, so now we gotta talk about recordation, okay. So, typically, when we lose a property that is eligible for a historic register, we like to document it, and so there are very explicit requirements in the County Code for documenting properties like this, and you either need to require that or waive that requirement.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: What entails this requirement?

Ms. Kehler: Sure. So the Historic American Building Survey, there's different levels of it, I would recommend doing a Level 3, which involves large format white -- black and white photographs, they have to be done by a professional photographer, and there are a number of them here who do that, and then measured floor plan, just the floor plan, no elevations of the house, and then sort of like a written narrative of the history of the house. So, you know, typically, you can -- there are a number of people who can do these, offer these services both here and on Oahu, but you -- it does need to be done by a professional.

Mr. Bassford: Is Level 3 high tier or low tier?

Ms. Kehler: It's the lowest tier, so Level 1 is like for a super significant property and it's where you do full set of measured drawings and it's very, very intense.

Mr. Bassford: Okay.

Ms. Kehler: Yeah.

Mr. Kanahale: So just following up to Ian's question, so I'm guessing it's the least expensive of all of the options?

Ms. Kehler: It can be expensive. We do -- I do have a --

Mr. Kanahale: The least expensive, right?

Ms. Kehler: Yes. Yes.

Mr. Kanahale: ...(inaudible)... the least expensive --

Ms. Kehler: Yes, least expensive.

Mr. Kanahale: Of the three tiers or whatever.

Ms. Kehler: Yes. Level 3 is the least expensive.

Mr. Kanahale: And is there a filing fee as the -- do the Durants have -- is there a filing to the County to submit that?

Ms. Kehler: No. And then there is an item in the budget that is specifically for Historic American Building Surveys and so if you require it, we could probably use that money to help him.

Mr. Kanahale: As funding?

Ms. Kehler: I'm sorry?

Mr. Kanahale: For funding?

Ms. Kehler: Yes, to help him with the HABS 'cause it's specifically for HABS.

Mr. Kanahale: HABS?

Ms. Kehler: I'm sorry. The Historic American Building Survey.

Mr. Kanahale: Oh.

Ms. Kehler: Yeah. Sorry.

Mr. Kanahele: Haves or have nots, you know. That's what I thought you're saying.

Ms. Kehler: No.

Mr. Kanahele: Oh. HABS. Okay.

Ms. Kehler: Yeah.

Chair Lee-Greig: Does the family already have plans for the house available? Do those -- do those exist? Do blueprints exist for the current structures?

Mr. Durant: The homes that we chose from the package homes, those are the two that we would like to use.

Chair Lee-Greig: No, for the current home.

Mr. Durant: Oh, I'm sorry. What about?

Chair Lee-Greig: For the current homes, do you have existing drawings for that or --

Mr. Durant: Shucks, probably not, yeah. Yeah, I mean that's like 1950 --

Chair Lee-Greig: Yeah.

Mr. Durant: Yeah, yeah, yeah.

Chair Lee-Greig: Just wondering like if it's stuck someplace.

Mr. Durant: Yeah, but I tell you what, I can get a documentary from my -- my mother-in-law 'cause the house is very dear to our family, you know, like they all have wonderful memories of growing up in the house. Our papa was a luna up on the -- in the sugar cane. You know, he helped develop Kaanapali. You know, so there's -- you know, our family, you know it's not an easy thing for our family, you know, for my wife and her family to take this house down. There's a lot of sentimental value to this house. But I mean we'd be happy to document. My Aunt Phee, who live right next door, is a genealogist and she could probably put together some documentation of the history of that house. We'd be happy to do that.

Chair Lee-Greig: Commissioner Lay.

Mr. Lay: Can he use it? Can it be used for this, for the -- what's needed to be done? Can he use an old print, old photographs instead of having a professional photographer go there or does it have to be a professional photographer, and do we have to have somebody do the layouts?

Ms. Kehler: I can -- I can work with him on that. Yeah

Chair Lee-Greig: Do we have a motion?

Mr. Lay: A motion for Level 3.

Ms. Kehler: Okay.

Chair Lee-Greig: All in favor? Or, sorry, any discussion on the motion?

Mr. Kanahale: Just a quick comment. With everything he said about what's happening that house, the family history of the area, I think it's well worth documenting that and putting that down so, you know, even though the house is gone, that you have something that people can look down the road, especially the family, right, that family will have a record of the house and what happened there over decades so I think it's a good thing to have.

Mr. Bassford: Yeah, especially considering Lahaina Restoration Foundation tapped out on that.

Mr. Lay: A new house is coming up.

Chair Lee-Greig: Anymore discussion on the motion? Alright, let's call for a vote. All in favor? Opposed? None. Motion carries for HABS Level 3.

It was moved by Commissioner Ivan Lay, seconded by Commissioner Ian Bassford, then

VOTED: for Historic American Building Survey (HABS) Level 3

(Assenting: L. Albino, I. Bassford, Y. Celiz, D. Kanahale, I. Lay)
(Excused: M. Ropa)

G. NEXT MEETING DATE: May 2, 2019

H. ADJOURNMENT

Chair Lee-Greig: So the next meeting date is for May 2, 2019, and this meeting is adjourned at 2:25 p.m.

The meeting was adjourned at approximately 2:25 p.m.

Submitted by,

SUZETTE ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Tanya Lee-Greig, Chairperson
Ivan Lay, Vice-Chairperson
Louella Albino
Ian Bassford
Yvette Celiz
Daniel Kanahela

Excused:

Michael Kaleo Ropa

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 Division, Dept. of Planning