

**MAUI COUNTY CULTURAL RESOURCES COMMISSION
REGULAR MINUTES
OCTOBER 5, 2017**

A. CALL TO ORDER

The regular meeting of the Cultural Resources Commission was called to order by Chairperson Lori Sablas at approximately 11:03 a.m., Thursday, October 5, 2017, Planning Conference Room, 250 S. High Street, Wailuku, Island of Maui 96793.

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

Chair Sablas: Thank you. I see almost all the seats filled this morning, and I'd like to call the meeting to order at this time. It's exactly 10:00.

B. INTRODUCTION OF NEW MEMBER - CHENEY-ANN PULAMA ILIMA

Chair Sablas: And first item on the agenda is the introduction of our new Member from our friendly isle of Molokai, and Cheney?

Ms. Ilima: Cheney.

Chair Sablas: Cheney-Ann Pulama Ilima.

Ms. Ilima: You can call me Pulama.

Chair Sablas: Pulama. I love that name, Pulama. But welcome from the friendly isle, and so we'd like to give you the opportunity to tell us a little bit about yourself and why you want to serve on this Commission.

Ms. Ilima: Sure. As she mentioned, my name is Pulama Ilima, from Molokai, born and raised. Actually, my -- I have ohana from Maui.

Chair Sablas: Can you speak in the mike, please?

Ms. Ilima: Sorry. Yes. This this new. I have actually have ohana from Maui, from Waikapu as well as Kahoma, in Lahaina, and in Hana. My background is in archaeology. I am in the PhD program right now at U.H. Manoa getting my -- hoping to the PhD in anthropology focusing in Hawaiian archaeology. And Auntie Stacy Helm had asked if I could sit on the board to represent the next generation on Molokai and especially her knowing that I had background in cultural resource management, archaeology, and the compliance part, so mahalo for having me.

Chair Sablas: Oh, wonderful. Good news. I think you're -- yeah, especially coming from your island with a lot of cultural resources, so we look forward to having you attend almost every meeting --

Ms. Ilima: Yeah.

Chair Sablas: Because, as the Chair, you guys know, I mean I think it's important that once we commit ourselves, we try, I mean there are times we, you know, circumstances, but I really appreciate that everyone make the time to attend the meetings and especially when agenda items like to do with archaeology, I mean it's nice to have someone with your background onboard, so welcome.

Ms. Ilima: Thank you.

Chair Sablas: Yeah, ain't that cool?

Dr. Six: Yeah, very cool.

Chair Sablas: And especially the next generation. I like that.

Dr. Six: And you'll get your doctorate, no worries.

C. 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 Sablas: Okay, at this time, if there's anyone in the audience who would like to offer public testimony on the agenda items, if you signed up or if you haven't, if you'd like to come to podium, identify yourself and the item that you'll be testifying on, the podium is open to you at this time. No more? Seeing none, okay. Then let's go on to New Business, and that's, item 1:

Chair Sablas read the following agenda item description into the record:

D. NEW BUSINESS

- 1. Review of proposed amendments to the guidelines regulating signs in the Lahaina Historic Districts (County Historic Districts No. 1 and No. 2) (A. Kehler)**

The Commission may review amendments to current policies and laws relating to historic districts pursuant to 2.88.060.M.2, Maui County Code

Chair Sablas: And, Annalise, if you could take it away.

Ms. Kehler: So did everyone have a chance to look at the staff report about this item, it does page by page and list little -- well, some of them are housekeeping items, and then some of them are a little bit more substantive changes? So this document that's attached to that staff report, the Commission adopted it in 2015, and it was a big change from the existing, from the old sign guidelines that were pretty vague and so we got much more detailed about what is and is not allowed, and so since this document was adopted, we had a change to the sign ordinance, and that change was in 16.13.145, and, basically, it just says that signs must comply with the design guidelines in the Lahaina Historic Districts, and it all -- and then there was another change that granted the CRC the ability to issue variances from the -- from compliance with the sign design guidelines. And so some of the changes that are being proposed to the document are just to reflect those changes that happened in the code, and then others are a little -- little off that topic. I don't know, would it be helpful for me to go page by page or is there any concerns with what's being proposed? I do have testimony from Lahaina Restoration Foundation, and they've had a chance to take a look at the proposed changes, and they have a couple of comments that I wanted to go over, and so page 5, of the document --

Chair Sablas: Should we just start from maybe, you know, according to what you have, I mean go from one --

Ms. Kehler: You wanna start with -- sure.

Chair Sablas: And then at least we know we --

Ms. Kehler: Sure.

Chair Sablas: We've covered everything --

Ms. Kehler: Yeah.

Chair Sablas: And then --

Ms. Kehler: Yeah.

Chair Sablas: Then incorporate the Lahaina Restoration comments --

Ms. Kehler: Sure.

Chair Sablas: When it comes to that appropriate -- that way, we make sure we cover everything --

Ms. Kehler: Okay.

Chair Sablas: Even though -- 'cause it's a lot of nice housecleaning items you did, but I wanna make sure that we don't miss anything --

Ms. Kehler: Sure.

Chair Sablas: For the Members' input.

Ms. Kehler: Sure. And then a couple of the items too I -- I might suggest reconsidering after thinking about it a little more and talking to Theo, so when we get to those, I'll -- I'll go over them.

Chair Sablas: Great. Thank you.

Ms. Kehler: So beginning on page 1 or with the -- with the document itself, I'd like to propose changing the title of the document from "Lahaina Historic Districts Design Guidelines Sign Guidelines dated March 2015" to "Sign Guidelines for the Lahaina Historic Districts." I think it just shortens it a little bit and makes it a little bit easier to say.

Chair Sablas: So, as we go along, should we just go by consensus?

Ms. Kehler: Yes. That would be great.

Chair Sablas: Yeah. So, Members, are we okay by -- I'm sure you took the time to read it, so as she discuss an item, if we say by consensus, everybody okay with number 1? I think it makes sense. Okay. Move. Go move on then.

Ms. Kehler: And then number 2 is just, again, to remove all references to Section 19.52.030, of the Maui County Code. We moved the historic district sign code from this section to Section 16.13.145. So that would just be all throughout the document.

Chair Sablas: Okay, number 2 okay with everybody? Okay.

Ms. Kehler: Suggestion 3 is a little bit more general, I didn't get into specific wording or, I'm sorry, that's the wrong one. Recommendation 3 is to change the document's numbering system to incorporate the introduction and definition sections on page 1.

Chair Sablas: Yeah? Okay.

Dr. Six: Makes sense.

Ms. Kehler: Item number 4, change the introduction section on page 1 to provide the most accurate and up to date information on the applicability of the guidelines and permitting requirements for certain signs.

Chair Sablas: Consensus? Okay.

Dr. Six: Just a quick question. So what we have is the document you're proposing to change?

Ms. Kehler: Yes.

Dr. Six: Because I just saw that 19.52 at the very top so great. Thanks.

Ms. Kehler: Number 5 is remove exempt signs from the definition section on page 1. Table 1, on page 3, provides a more comprehensive list of signs that do not require permits.

Mr. Skowronski: Can I ask a question? Do we have that table?

Ms. Kehler: Yeah, it's on page 3.

Dr. Six: You kinda take the first three pages off to get to this document. It's kinda stapled together.

Mr. Skowronski: So just as a clarification, there are not going to be any exempt signs?

Ms. Kehler: Well, actually, that brings up a good point. I guess I should have added in there that we need to add exempt signs to this Table 1.

Mr. Skowronski: And -- and by exempt signs, the practicality is signs that will not require a permit?

Ms. Kehler: Well, so there are other signs that don't require permits, like public signs, and real estate signs, and I'm proposing to add those types of signs to this table, and so

what -- what these really are talking about, these exempt signs, are the less than six square inches in sign area, like the Visa or Mastercard, so we can pull that from page 1 and say that signs, you know, the Visa credit card signs are part of this table and that they're not required under permit required.

Mr. Skowronski: We've -- we've had this discussion many times. The intention here, the purpose here is to control signage of a certain size?

Ms. Kehler: Yes, and like, basically, the main point of this document is to control commercial signage.

Mr. Skowronski: Right.

Ms. Kehler: It's -- it's been a problem in Lahaina for a while.

Mr. Skowronski: Agreed.

Ms. Kehler: Yes. And so while also controlling commercial signs, we want to make sure that we -- 'cause we do allow commercial signs but we will also wanna make sure that we allow other signs, like the little credit card thing, and the real estate signs, and political signs, signs of those nature.

Mr. Skowronski: But your -- what your square footage or your square inches, what are you targeting? What size are you targeting?

Ms. Kehler: For which sign?

Mr. Skowronski: Signs not requiring a permit.

Ms. Kehler: If you look -- I need to look at 16.13, which is the County's general commercial sign code and see how they limit signs of that nature. They -- so if we're adding signs like that, then we would put a size limit under size in Table 1. In the rest of the County, for example, a real estate sign can't be larger than nine square feet. We may want to make that smaller in the Historic District because of the limited space.

Mr. Lay: Okay, so what you're limiting on these signs -- I mean you're saying stickers at six inches right? Can we be more specific when we say this is for credit card things 'cause stickers are really abroad I mean --

Ms. Kehler: Yeah. We can say credit card stickers.

Mr. Skowronski: Well, some of the establishments in Lahaina are food establishments and the State Department of Health issues pass or non-pass that have to be visually displayed in the front. Are those square footages or square inches in excess of your target?

Ms. Kehler: I don't think the intent of this document is to regulate food, safety things 'cause that's a State requirement and they need to post those and so --

Ms. McLean: Chair, I don't think those would be considered commercial signs.

Ms. Kehler: Yeah.

Ms. McLean: So they wouldn't fall under these regulations. That wouldn't be considered conveying a commercial message. That's a good point.

Mr. Skowronski: Okay. Alright, so if somebody showed up for work one day and put up a sign, a hand-written sign 50% off, is that considered a commercial sign?

Ms. Kehler: That's a commercial banner.

Mr. Skowronski: Okay.

Ms. Kehler: And they're not permitted.

Mr. Skowronski: And they're not permitted. Any size?

Ms. Kehler: They're not permitted at all. They can be inside the building, but they may not be outside.

Mr. Skowronski: And inside the building meaning that it has to be behind their property line but it could still be visible from the street or from the public area?

Ms. Kehler: I think somewhere in here it says three feet from the front of the building, front wall of the building, so you could, potentially, see it but it's not like it can be right in your window.

Dr. Six: For clarification, and correct me if I'm wrong. The idea of moving this text box over to the table would make it easier for someone who's going to open a business to quickly see that that is okay, but something like what you're saying is not, so I'm thinking, in this case, we're speaking of just taking this clump of text and somehow making the table so that it's for lay --

Ms. Kehler: Correct.

Dr. Six: For the person that's opening a business.

Ms. Kehler: Correct.

Mr. Skowronski: Or taking over a business.

Dr. Six: Yeah. Exactly. That understands, yeah, I can have the Visa, Mastercard, but I can't cover my whole window with ...(inaudible)... stickers, you know ...(inaudible)...

Mr. Skowronski: Right. But -- but again the intention is if someone sells their business and the new owner shows up and takes down the old sign, which is, hopefully, legal, and puts up a new sign of the same square footage with the new ownership and the new occupancy and the new purpose, is that going to require a building permit?

Ms. Kehler: They need a sign permit, yes, if they're changing the sign.

Mr. Skowronski: Even if the sign size is within the guidelines?

Ms. Kehler: If it's a commercial sign, if it's -- if it falls under the definition of a business identification sign, yes.

Chair Sablas: Yes, Janet.

Dr. Six: Unless you're really asking for a variance, it's a fairly streamlined process if they follow within the guidelines and they ask to put a new sign up, it's not like we're -- I don't think we're trying to stop it, we're just trying to make sure that unless they're asking for a variance --

Ms. Kehler: Yes.

Dr. Six: They don't really need to --

Ms. Kehler: The only time that an applicant would come to the Commission is if they needed a variance 'cause they could not comply with the guidelines.

Dr. Six: Thank you.

Chair Sablas: I, too, had a question mark on item five because --

Ms. Kehler: Okay.

Chair Sablas: It kind of correlates with item six as well --

Ms. Kehler: Okay.

Chair Sablas: And -- and so my thought was if you remove the -- the text and the table that you're proposing, you know, including the other things that you're talking about, real estate, project notice, directional, etcetera --

Ms. Kehler: Uh-huh.

Chair Sablas: Is that idea to incorporate it in the table?

Ms. Kehler: Correct.

Chair Sablas: Because as it is now, there's just one menu that's, you know, exempt and I guess, in my mind, until -- if I saw the table maybe, then it clarify, but because it's just suggested, so if you do a new table, revised table, then you would have to have a section for real estate, project notice, is that the intent?

Ms. Kehler: Correct.

Chair Sablas: I don't know. If we had anybody for enforcement here, does it make this easier with changing this? Are you from enforcement?

Mr. Wright: Yes, ma'am.

Chair Sablas: So the proposed recommendations, what's your comment on that? Is it going to make it easier to enforce?

Mr. Wright: For me, I hate to say it, but it really doesn't make that big of a difference for me, personally. I know the code pretty well. I also handle the sign code for Maui County, 16.13, in general, so I'm pretty well versed in all the -- the sign issues. I think that the bigger purpose here is to make it easier for --

Chair Sablas: Right.

Mr. Wright: Somebody from the public to understand exactly what's going on and I think that these changes would help.

Chair Sablas: Okay. That's the comment I wanted to hear that, from your point of view, from the public, that the changes would make a difference, so I'm okay with that that --

Ms. Kehler: And, Chair, if I may?

Chair Sablas: Any other comments on this? That's the one I had question so --

Ms. Kehler: Okay. And just one more comment on the table, we do use tables in the -- in the sign code for the rest of the County and that was a suggestion from our Zoning and Enforcement department head -- Division head, and so I made a table but then I realized, okay, well, I forgot all these other things so I should put them into the table so they're all in one place and someone can easily come here and find everything that the need.

Chair Sablas: Okay.

Mr. Lay: So, on your table, like would you put non-fluorescent colors?

Ms. Kehler: No. It doesn't get into colors. We do get into colors on page eight, where we talk about --

Mr. Lay: The background, huh?

Ms. Kehler: Yeah, background, and contrasting colors, and what's effective and what isn't, but in that -- in the table, we don't talk about color.

Mr. Lay: How come?

Ms. Kehler: Yeah.

Mr. Lay: Why is that 'cause fluorescent might be the big -- and the next it's all going to be all fluorescent in Lahaina ...(inaudible)...

Ms. Kehler: Good point, and we had a discussion about -- we had a discussion about color and I think, at the next meeting, we're going to have an item where we discuss whether or not we want to make guidelines about building color, and things of that nature, and sign color, and we can take that up, and weigh-in on it, and have you folks share your -- your view on it. Yeah.

Chair Sablas: Okay. Thank you. Any other comments on these two items? Well, I mean, I guess 5 and 6 to be correlated so -- so we're on number 6?

Ms. Kehler: So we discussed, again, putting these signs in that table, and then prescribing maximum sign size, and location, and all that for these types of signs as well,

the real estate project notice, directional, public, and political. And we're -- we're okay with that?

Chair Sablas: Okay.

Ms. Kehler: Okay, item 7. My suggestion is to remove Table 2, on page 3. I don't think it provides much value. I think that the information in that table is sufficiently explained on pages 6 and 7 where we define what all these signs look like and what they do and where they can be placed.

Chair Sablas: Here again, I have a question mark, and I'd like to have comment from enforcement. I mean what do you think about that recommendation?

Mr. Wright: Yeah, what -- what's in Table 2 is, basically, fully explained again on the other pages, and so to have both of them is kind of a repeat.

Chair Sablas: Redundant? Although I thought it was kinda neat to have it at a glance if you look at it, you know, the notes and, you know, so if I were like applying, at a glance, I can look at that, oh, okay, and then it fully more in detail on the other end. I mean I can understand cleaning it up but sometimes, you know, if you clean up too well, then you miss something, so that's why I had a question mark on that and that's -- any other comments on that? I kinda, it may be redundant, but if it's going to help the general public maybe at a glance --

Ms. Kehler: That's good.

Chair Sablas: I would say, you know -- you know, it's -- because it's just brief right there.

Dr. Six: But maybe put it after it where it's not two tables in a row, I was thinking, 'cause it is nice to have the visualization to see like, oh, that's what they mean by a hanging sign.

Chair Sablas: Yeah. Right.

Dr. Six: 'Cause sometimes we seem to -- and then maybe after, put it just for the at a glance because it's just a lot especially if you expand this table, just wondering if it could be just -- 'cause I do think it's kinda nice so you can quickly go --

Chair Sablas: At a glance ...(inaudible)...

Dr. Six: But I do like the fact that you can see examples of each one and that seems to be easy, you know, yeah, again, people don't read, they do at 140 characters, can we just tweak the code? But I see what you're saying, like it is nice to have the summary --

Chair Sablas: At a glance, yeah.

Dr. Six: Right. Yeah.

Ms. Kehler: Okay. That's a good comment.

Chair Sablas: So my recommendation is that to keep it in. Is that okay? I mean 'cause, you know, it doesn't do any harm. Commissioner Bailey, you have something to say?

Mr. Bailey: Yeah, I agree on the -- having the table. I'm just wondering, I know you have Table 1, Sign Type, and just probably just being anal about it, but to refer to "kind," I was wondering if you could put design or -- or something else other than the word "kind."

Ms. Kehler: Yeah, I mean --

Mr. Bailey: It kind of throws it off, Sign Kinds, possible physical forms of signs.

Dr. Six: Type. Form. Something --

Mr. Bailey: Design style, form. And then just putting in the bottom of that table just an asterisk that notes the reference page 6 for, you know, the photos or whatever that --

Dr. Six: It's for.

Mr. Bailey: So just adding something like that. I think the table is a quick reference, and then you just note reference page 6 for, I don't know, demonstrations or -- and then I just don't like the word "kind."

Dr. Six: Well, especially when you look over, like on page 6, where it says "Sign Kinds" and then parenthetically "possibly physical forms of signs."

Mr. Bailey: Right.

Dr. Six: That's a little --

Ms. Kehler: It's --

Dr. Six: He explained it to me, so I'm not sure ...(inaudible)...

Ms. Kehler: Yeah. It was hard for me to look at this when I first made the document.

Dr. Six: Form or type maybe. I guess you already have type for the --

Mr. Bailey: You have Sign Type, so I get that, then wouldn't it be a design?

Dr. Six: Yeah, design.

Ms. Kehler: Yeah, so in the -- in the other County Code, so they say --

Mr. Bailey: Kind.

Ms. Kehler: So there's Sign Type, they -- they also refer to it as sign purpose, so what is the purpose of the sign, and then instead of sign kind, they say "sign locations," so where's the placement of the sign? Are you placing it on the wall? Are you placing it in the ground, or placing it on the roof? It's -- it's kind of tricky but, yeah, I would like to nail down a terminology that is very clear for the public 'cause the goal here is to make sure that everything is very easy to understand for the public and the Commission, and the planner, yeah, so if we went with consistency with 16.13, the -- it would be sign type or purpose, and physical kind or location.

Chair Sablas: Okay so --

Dr. Six: I'm confused already.

Chair Sablas: Okay, so -- so what are we -- what are you -- again, sorry. What's your name from the --

Mr. Wright: My name is Kai.

Chair Sablas: Kai?

Mr. Wright: Kai.

Chair Sablas: Kai like ocean?

Mr. Wright: Yes.

Chair Sablas: Oh, cool. You surf? No? Okay, I'm so glad you're here because, you know, you're out there talking to the public and sometimes, you know, we need to be connected to what we're trying to do and your input is very valuable so feel, please, feel free to chime in and -- and give us your, you know, your -- your manao in interacting with the public and how we, you know, try to better what's being done in Lahaina. So I mean this is, you know, I don't know schematics, I mean what word, who knows. Are you the -

- the attorney would give us some kind of idea of what would be the most sensible word to use?

Ms. Thomson: Well --

Mr. Bailey: Location and purpose fine with me.

Ms. Thomson: Purpose and location.

Chair Sablas: Purpose and location. Okay.

Mr. Bailey: ...(inaudible)... the table will explain instead of --

Dr. Six: So under table one would be purpose instead of sign type?

Mr. Bailey: No, Table 2 would be purpose -- purpose and location 'cause it says wall, affixed to the exterior of the building, only building identification signs, so it would be explaining what --

Dr. Six: Oh got it. Oh, 'cause it got the purpose in there.

Mr. Bailey: Right.

Dr. Six: I didn't read that far. Thank you. Okay. 'Cause I was thinking the purpose is like business identification, directory, I was thinking that kinda stuff, but I see where it says building identification signs.

Mr. Bailey: And then you would have to change Table 1 where it says, "Possible Kinds" to "Purpose and Location" in that table.

Ms. Kehler: And then I would change --

Mr. Bailey: Just a suggestion. I was ...(inaudible)...

Ms. Kehler: Yeah.

Dr. Six: No, no, no.

Chair Sablas: It's good everybody their mind but just keep in mind we wanna make it simpler, right?

Ms. Kehler: Yeah.

Chair Sablas: We don't wanna make it more difficult.

Ms. Kehler: Less words the better.

Chair Sablas: Yeah.

Ms. Kehler: So purpose and location, so then to make it consistent throughout, we would change the headers on page 4, 5, 6 --

Mr. Bailey: And 6.

Ms. Kehler: To match what it says in the table, purpose and location.

Mr. Bailey: And then it kind of coexist with your page 13 where it gives good and bad examples.

Ms. Kehler: Yeah.

Mr. Skowronski: On the sentence just above Table 1, are you also going to eliminate or change the word "kinds" that appears in parenthesis after forms of signs?

Ms. Kehler: Yes. I'll go through and I'll do a find and do replace it with the most clear definitions that we just came up with and terms. So items -- that takes care of items 5 and 8. Item 9 is to remove the header on 5. Actually, Chair, I'd like to just --

Mr. Bailey: It changes it quite a bit, 13.

Ms. Kehler: Yeah. I'd like to just cancel number 9 if I don't -- now that I'm looking at, it doesn't -- it doesn't work so --

Chair Sablas: So you're recommending that we cancel number 9?

Ms. Kehler: Yeah.

Chair Sablas: Okay.

Ms. Kehler: Yeah, item 10, remove "sculptures" from the list of signs on page 5. We went back on -- back and forth on this item before because there was a concern that people would use sculptures with their commercial message on it, but, you know, I don't think that we should have -- we shouldn't be regulating art and this is just -- it's sort of a strange thing to have in a document about signs, and so, you know, if we decide we don't want a

sculpture sign, then maybe we should put that in this -- in the list of prohibited signs instead of just talking generally about what a sculpture is, just if we don't want commercial signage put on sculptures, let's put it in the list of prohibited signs.

Chair Sablas: In Lahaina, I mean you know the good example of that, you know, the Buddha at Lahaina, I mean are there other sculptures that --

Mr. Lay: The Pioneer Inn got their sailor.

Chair Sablas: Oh, oh the --

Mr. Lay: But that's not a sign.

Chair Sablas: At Pioneer Inn? I'm going ask Kai. Have you had -- has this been an issue with you in Lahaina, any sculptural -- people placing commercial signs on it to your knowledge?

Mr. Wright: Not -- not putting commercial messages on it but having things that kinda stand out to draw attention. We had that -- that big swordfish down at 505 that they wanted to put up and it was kind of to draw attention to it, it had no historic value whatsoever in the Historic District of Lahaina, and that was ultimately denied to them to have that up there.

Chair Sablas: Which is a good point. So how to address that in -- in -- if we take that out, sculptures out? I mean -- I mean 'cause you make -- I mean I've seen kinda three-dimensional type things that could be considered sculptures and they might put something on it, so if we don't have anything here, what's to prevent people to say that, well, we can do it because there's no --

Dr. Six: Did the marlin swordfish have anything written on it?

Mr. Wright: No, ma'am.

Dr. Six: See that's the danger too people just putting a large something to draw attention to, you know, outside on a building even without their logo on it.

Mr. Lay: Giant pizza.

Dr. Six: Yeah, I'm just saying where do you stop? Like, okay, Lahaina does have fishing but, you know, 505 has very little to do with that, so I'm thinking that it's not even -- I was thinking like someone carves their logo and sticks it out front, but I think we might need to just maybe use that as an example rather than historical things like the Jodo 'cause the

Jodo Buddha to me is a religious symbol, not a sign, but putting a big swordfish on the side of a building is a way to draw attention and where does it stop, like say a giant piece of pizza?

Chair Sablas: We have comment from Corp Counsel.

Ms. Thomson: I just wanted to read the definition of a sign from -- this is in Maui County Code 16.13, it's a pretty long definition, and I think it might include stuff like the swordfish, you know, where there may not be words, you know, painted on it but it clearly is trying to identify a business and draw customers in, so: "Sign" means a device, fixture, placard, structure, so that would maybe be a structure, or direct application on real property either outside a building or inside within three feet of a window or door which is clearly visible from a public right of way or adjacent property that uses any form of graphic, logo, illumination, symbol, or commercial messages to advertise, announce the purpose of, or to identify the purpose of a person or entity or to communicate commercial information of any kind to the public provided the term shall not include window displays, scoreboards, gravestones, commemorative plaques, government signs, automobile bumper stickers, or signs held or worn by an individual. So I mean that's the -- in the rest of the County that has signs, those -- signs is pretty much anything that you can imagine that identifies the purpose of a building or person.

Dr. Six: Well maybe then having this part about sculptures, we could have a picture of that swordfish with a big X through it showing it as an example of the kind of thing that's not in compliance because, to me, when I see these two sculptures, they don't either one seem like signs to me, but if I saw a picture of that thing with the big X, I know I can put the big shave ice cone on the top of my building.

Ms. Thomson: I think, basically, what you're talking about is a three-dimensional sign --

Dr. Six: Yeah.

Ms. Thomson: Right? So you can --

Dr. Six: But there's no -- no lettering on it; it's just a big -- I'm just thinking as a really quick example because, for me, again, looking at this little section that shows a -- a bus, and someone obviously important, and then a religious piece of iconography, so I'm just wondering if maybe showing an example to, again, a new business so as they flip through, oh, I can't stick that even with no -- no name on it, I can't stick it up there. I don't know. That was just a suggestion.

Ms. Thomson: It might be good to kind of figure out how you want to -- 'cause not all signs are going to be nice square signs that are one-inch thick or whatever, there are

different looking signs, so I wouldn't be surprised that you wouldn't have an application that's, you know, for a – a small swordfish that fits within the square footage limit or, you know, some other odd object so –

Mr. Skowronski: There's – there's recently, in Paia Town, a sculpture that was placed in a square in front of the new buildings that has no commercial identification on it but it's something that the tourists like to go and take pictures with the keikis that draws customers into that square to those recessed shops, okay, is there – is that considered a draw? Is that considered a sign? Is there – was there a building permit issued for that sculpture? I mean it's, you know, it's not a commercial signs but it's meant for commercial to draw commercial activity into areas that would not normally be seen or used by tourists, so is that part of the signage definition? Does that get regulated? How far are we going on this?

Ms. McLean: Thank you, Chair. We do have to tread a little bit carefully here because we can regulate commercial speech; if we're getting beyond commercial speech, then there could be a free speech concern, and, actually, we recently made changes to the commercial sign ordinance. As a result of a United States Supreme Court decision, we needed to make some tweaks to the sign ordinance because of those concerns. So if we're talking about public art, I – Corp Counsel might wanna spend some time to determine if it's not conveying a commercial message, I really don't know how far we can go to regulate or restrict it. I think we are able to impose some degree of design because, if it's a historic district, you're not going to have a neon flashing piece of art, you know. I think that's some regulation is – is okay, but if it's not conveying a commercial message, I don't know how far we can go. I really don't. With the fish in particular, was that a restaurant? It was like a seafood restaurant so it was – there was a connection between it and the business they were trying to attract. It wasn't like it was a furniture store with a big fish on the outside that had no association.

Mr. Wright: Correct. I think the – the way that the County was able to make a determination on that particular fish that was that it was on the exterior of the building.

Ms. McLean: Okay.

Mr. Wright: If they had had it on – in the interior of the building or whatever, then, hey, it would have been up to them if they wanted to use that space for that, but they had put it on the exterior of the building so the CRC could comment on it.

Ms. McLean: Okay.

Chair Sablas: So my question is: Does it do more harm or more good if we remove it? That's why I had a question mark on it because exactly what we were discussing. I mean if you take it out, where would it be addressed if we take that item –

Ms. Kehler: What I can do is make a note of it and work with Corporation Counsel --

Chair Sablas: Okay.

Ms. Kehler: On some of our questions.

Chair Sablas: Frank.

Mr. Skowronski: It might be interesting to see if DSA has any input as to whether or not they are issuing building permits for "sculptures," and that might be a way to control, advise, or force through the permitting process rather than the signage process.

Ms. McLean: And I wonder if we could find an example of a sculpture that clearly conveys a commercial message and use that to show what we're talking about rather than these that are –

Ms. Kehler: Yeah.

Ms. McLean: That are allowed.

Ms. Kehler: Yeah.

Ms. Thomson: There are – there are cases of lawsuits regarding murals and it's kind of a the same thing as a –

Dr. Six: The Wyland mural --

Ms. Thomson: Right.

Dr. Six: Comes to mind.

Ms. Thomson: And so they're – we can probably dig up some examples that are art but is really commercial signage, right? There is a very gray area in there and, as Deputy Director was saying, we can't regulate free speech, we can't regulate straight up art without some – you know, there's some caveats to that but that's in general. He has something to say too.

Mr. Wright: Sorry. I think that there is a sculpture that convey a commercial message in Lahaina, now that I think about it, and it's at Bubba Gumps.

Chair Sablas: Oh, yes. Yeah.

Mr. Wright: It's that bench with the stuff on it.

Ms. Thomson: That shrimp thing.

Mr. Wright: And it's only there because it ties in directly with Bubba Gumps, it doesn't have their name on it at all, but that symbolism –

Chair Sablas: That's a good example.

Mr. Wright: It does tie into Bubba Gumps.

Chair Sablas: But is that permitted?

Mr. Wright: It's never gotten a permit as far as I know.

Ms. McLean: Well, we can look at that.

Dr. Six: Put a big X through it.

Ms. Kehler: So for item 10, I have work to do on that one. Item 11 is – it's –

Chair Sablas: I'm sorry. Are you incorporating the comments from Theo as we move along on –

Ms. Kehler: Oh –

Ms. McLean: Just for your information, we're having copies of that brought over –

Ms. Kehler: Okay.

Ms. McLean: So they can be distributed to the members.

Chair Sablas: Oh, okay.

Ms. McLean: Yeah.

Chair Sablas: I just wanted to tie in with the different items if, you know, so –

Ms. Kehler: Let's see, oh, so Theo's comment, as for page 5, she wants us to replace that historic site sign down on the bottom left-hand corner with the most recent historic site sign, and then she recommended changes for the Event Banners portion on page 5, she says that the two banner locations on Front Street must have two-sided banners, otherwise, a person is driving down Front Street and there is a blank banner overhead, so two-sided banners.

Chair Sablas: And that makes sense.

Ms. Kehler: Yeah.

Chair Sablas: Yeah.

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

Chair Sablas: Yeah. So we're okay with that recommendation?

Dr. Six: Yeah.

Chair Sablas: Okay.

Ms. Kehler: And a one-sided banner is okay at other official community banner location at Kamehameha Iki Park.

Chair Sablas: Which is usually against a fence so that make sense.

Ms. Kehler: So consensus. She says the wording "to promote events occurring on Front Street" is incorrect. This should be deleted and addressed in section F, which is page 12.

Dr. Six: What does she want it changed to?

Ms. Kehler: She wants this -- the wording "to promote events occurring on Front Street," on page 5, to be deleted.

Dr. Six: Oh, I see.

Chair Sablas: You know on that, Annalise, on the Event Banners, page 12, under C: Banners are limited to a maximum area of 24 square feet and may be double-sided. Should that be changed to "must be?" If it's --

Ms. Kehler: For -- for Front Street banners, but we don't need to require it for Kamehameha Iki banners.

Dr. Six: So maybe there should be something that just says that. Does it say it anywhere else that they must --

Ms. Kehler: And must be double-sided for Front Street banner location.

Ms. McLean: I don't think you'd want to say "must." There might be some bizarre circumstance where we're going to make someone print a two-sided banner when they only want -- I don't know, but when you say "must," then that's something Kai has to enforce so maybe keep it "may."

Ms. Kehler: Okay.

Chair Sablas: So "may" is more flexible? Okay.

Ms. Kehler: So that takes care of her concerns for page 5. So we decided we have work to do on item number 10. Item number 11 is another one of those housekeeping items that we discussed in item 8 where we're changing how we define sign location versus the other words that we used. And then just so is that item 11 is that good?

Chair Sablas: Okay. Where are we at now?

Ms. Kehler: We're on item 11 on the staff report. It's saying to change the header on page 6 from the long header that we have that says "Sign Kinds," in parenthesis, "possible physical forms of signs." We're talking about changing that just to "sign location," and then so do we have concurrence on that?

Chair Sablas: We have, yeah? Okay.

Ms. Kehler: And then it further recommends removing the word "signs" from each location identified on page 6 and 7, so --

Chair Sablas: That's a no-brainer.

Ms. Kehler: Yeah. I just want to make sure, maybe I'm being too thorough, college -- but, you know, I don't want -- I don't want it to be a surprise.

Dr. Six: Hey, this could last 50 years, like the last one.

Ms. Kehler: Yeah. Yeah so --

Chair Sablas: You're seeing -- you're seeing it from the eyes of your generation, so that's good.

Ms. Kehler: And, okay, so then the other change is number 12, on page 6, just making it clear that we -- when we say "parallel signs," we mean signs parallel to the building, and that would be like on page 6, A., it'd say "parallel to the building."

Chair Sablas: Okay.

Ms. Kehler: Okay, moving on to page -- oh, same page, page 6, the sunshade section. So this section should clarify that storefronts with multiple sunshades are limited to 12 square feet total of text, logo, or graphic.

Mr. Lay: Per sunshade or per the whole building?

Ms. Kehler: Per the -- per the store front.

Ms. McLean: Per business.

Ms. Kehler: Yeah.

Mr. Lay: Okay.

Mr. Skowronski: If the building is on a corner and faces to stores -- faces two different streets, is that considered one store front or two store fronts?

Ms. Kehler: Kai, how do you enforce that?

Mr. Wright: So if -- if you look at what's allowed by your code right now, just because the store is on a corner it doesn't allow them more signage. Correct? So with it not allowing more signage because, regular signage, because it's on a corner, would you want to allow them more signage if the sunshades go around?

Mr. Lay: Basically, it's one whole store front, right?

Chair Sablas: But at the corner.

Mr. Lay: Yeah, but wrapped around.

Chair Sablas: Do we have an example of that that you can think of?

Mr. Wright: I can't think of any off-hand that have sunshades that go all the way around, most of them only have sunshades on the front side.

Chair Sablas: In the front. Right.

Dr. Six: Where the sun comes in ...(inaudible)...

Mr. Wright: But it's a possibility in the future, if it's a way that people think that they can get more signage, then they'll definitely do that.

Mr. Skowronski: When -- when we did Lahaina Store, it had frontage on Front Street, then it had frontage on the alley that went to the public parking, I'm almost positive that, at that time, we were allowed square footage facing Front Street and a duplicate square footage facing the public alleyway. Am I mistaken on that? It's been a long time.

Dr. Six: Are you talking about signage or awning signage?

Chair Sablas: Awning.

Dr. Six: Awning?

Mr. Skowronski: No, I'm talking about his point about signage.

Dr. Six: Signage. The square footage.

Chair Six: Oh, signage. Oh.

Dr. Six: You might clarify on that.

Mr. Wright: Yeah, I'm just trying to clarify for you folks because I'd hate for you to look at it kind of as two separate things when they all kind of ...(inaudible)...

Mr. Skowronski: It's the -- it's the same occupancy and the same business.

Mr. Wright: You know, because the reason for the sunshade signage is because it's their signage that they have that was allowed was blocked, so if you're allowing signage on two sides, then it would make sense to allow sunshades on two sides that allow for the signage.

Mr. Skowronski: No, I agree that it makes sense that the sunshade requirements follow the signage requirements.

Mr. Wright: Yes.

Chair Sablas: Okay.

Ms. Kehler: So just to kind of make sure I have this correctly. Is there a -- are we okay with number 13, recommendation 13, or do we want to look at --

Dr. Six: I -- I would say that we, having spent a lot of time on Front Street, that the signs are almost always -- I mean the shades are almost always west facing and even if you had a wrap around building, like you said, if they can get away with more signage, but, to me, I think we should stick with the 12 square footage allowed period because, like he said, people do anything, even put shades where they don't need it, and I do understand if you're facing the sun, you have to lower those things or you're going to cook your employees in there.

Mr. Skowronski: You -- you haven't changed the 12 square footage figure; that is -- that is in place now.

Ms. Kehler: Correct.

Mr. Skowronski: Okay.

Ms. Kehler: Yes. The actual ordinance in 16.13.145 says, "Signs parallel to a building or structure shall be no larger than 12 square feet. Signs perpendicular to a building or structure shall be no larger than 8 square feet."

Chair Sablas: Okay. So we're okay with that then?

Dr. Six: Yeah.

Chair Sablas: Moving on.

Ms. Kehler: Fourteen is another housekeeping item just to clarify the sub-header on page 7 where it says, "Perpendicular Signs," to make sure that it says, "perpendicular to the building." We're okay with that one?

Dr. Six: Yeah.

Ms. Kehler: Okay. Moving on to 15, a housekeeping item. The item C, that says, "Other Signs," just change that to "Other Sign Locations." Item 16, it's on page 8, and we're talking about Sign Material. My suggestion is to remove all of the language. It doesn't directly relate to sign materials, so we're talking about bracket materials, and there's a

couple of other things that I would remove here that don't specifically relate to sign material. And we have, in the current requirements, that the sign -- Theo's recommendation in this -- this letter, on page 8, she says the, "Sign lettering, logos, symbols, and embellishment shall be painted, carved, raised, incised, sandblasted, or crafted." She says that most signs these days use vinyl letters and that she thinks that they should be allowed, and so I wanted to pose that -- that caveat to you folks and see how you felt about vinyl lettering.

Mr. Lay: I, personally, like the old look. The look. I mean all matching material ...(inaudible)...

Dr. Six: Didn't we discuss --

Chair Sablas: Wait. I wanna hear from Kai on this.

Mr. Wright: Sorry. There have been a couple of signs that have gone up recently that have not been permitted, and they've tried to put the vinyl onto wood, and it doesn't stick.

Chair Sablas: Right.

Mr. Wright: And it falls right off, and it looks kinda bad. So I'm guessing that's not something that we'd wanna go forward with if you're going to stick with having a wood back. If you're going to have a different type of a backing, then it's something that the vinyl would be able to adhere to, but a wood backing usually doesn't work very well with vinyl. Just throwing that out.

Chair Sablas: Yes.

Dr. Six: I thought we discussed using a wood-like substance material that's more weather resistant, you know, and it looks like wood because like just like at Kealia Pond, the boardwalk is recycled plastic, but I'm wondering, you know, if there was -- we talked about how the wood doesn't really -- and then like as Kai mentioned, the vinyl stickers, which most everybody is using, I used to be a sign painter so everybody, all the boats get their vinyl printouts and they slap them on their boat, but I was wondering if we looked at -- they also have to be wood?

Ms. Kehler: Yeah, for this document, we went with wood.

Dr. Six: And not like a wood-like 'cause I just know they have so many materials now that look like wood.

Ms. Kehler: There are synthetic -- the synthetic stuff is getting better. There are some things that do look very much like wood, but I'll leave it up to you folks about whether or not you wanna let that happen.

Dr. Six: Well, I think if we keep with wood, then we need to point out, as Kai mentioned, that this vinyl sort of lettering doesn't stick on it, and I do like the way the wood signs look. I think they do look nice. I'm just wondering how we can make it a little more --

Chair Sablas: So, Kai, again, do we have -- I mean this would be an enforcement issue with you, right? I mean if they put up signs -- are there vinyl signs presently that you're aware of?

Mr. Wright: There, currently, there's one that I know of that's up that he has -- it's a -- it's a simulated gold leaf, so it's a vinyl sticker that he -- that he has and you can see where the ends are kind of starting to pull away a little bit from the wood, and he has that kinda going around the exterior, you know, to trim it out. There was recently one at The Wharf, at the little shave ice thing that they have down below, and it's a just a piece of wood and they put a vinyl sticker right on it, and I think Donna said within three weeks, half of it had peeled away already. I've seen others that people have indoors and the vinyl is pulling away from -- from the wood. It's just all falling off and it's because it just can't adhere to it the way it would to a solid surface, like metal or glass or something like that.

Chair Sablas: Yeah, and again, this is before businesses should know they're in a Historic District, so, you know, in this one I do disagree with Theo that I think we should stick to the wood and -- but I just wanted to hear from your end the enforcement part if -- are you okay with the way the document reads?

Mr. Wright: Yeah, I mean --

Chair Sablas: That you can enforce it?

Mr. Wright: When -- when they go in for permits, the permit is specific.

Chair Sablas: Yeah.

Mr. Wright: When you're up close, you can tell, and, you know, if they don't build it according to what the permit states, then that's -- that's something that's enforceable because I can tell that it's not done correct.

Chair Sablas: Yeah. So we -- yeah. So are we all in consensus that we really, you know, do not really want vinyl, we really wanna be wood, right, everybody?

Dr. Six: Wood.

Chair Sablas: Okay. Thank you.

Ms. Kehler: So no vinyl. And then I also wanted to make sure that the proposal in 16, I want -- there's specifically the chain, rope, wood, or metal brackets shall be used as supports for signs, I wanna remove that because I'm not a sign expert, and I'd rather have the sign professional determine how to attach the sign to the building.

Mr. Lay: Who is the sign professional?

Ms. Kehler: They're -- it's a State requirement to be -- to have a license to be a certified sign person, yeah. It's a real thing. And so I just wanted to make sure that we were okay with removing that part. The next recommendation, item 17, I recommend removing the Commercial Banners portion that's on page 8, under Sign Placement. We discuss commercial banners and how they're not allowed under Prohibited Signs, which is on page -- page 10, and so I think it's sufficiently covered there. I don't -- I don't think we should be talking about commercial banners in this section because they're not permitted. They're prohibited.

So item 18, now this something that I was -- I discussed a little bit with Corp Counsel. The reason why I put this in here is because we have a new -- is because of the new sentence that was added to our existing sign code for the rest of the County that the content, message, or viewpoint of any sign shall not be regulated, and so I don't know if Corp Counsel has anything more to say about content of signs.

Ms. Thomson: To make sure I'm looking at the right section, you're looking at it's Roman Numeral III, on page 8?

Ms. Kehler: Correct.

Ms. Thomson: I don't -- I mean I don't see that that's a problem with what we have right there. You know, we're -- we're clearly talking about regulating commercial signs, you know, and none of that is really regulating content. You could take out the word "content" if you want.

Ms. Kehler: So we could take out the word "content," but we can leave the rest of it. Okay. So number 18, just remove the word "content" from the header.

Dr. Six: Well, it says, "Multi-colored signs." Are you limiting it to three colors 'cause I see some of these signs have three colors? Is it -- are you defining "multi-colored?" Like the

sand, people, and the honu, they have three colors. I'm just wondering when it says "multi-color."

Ms. Kehler: Yeah, the -- that's a good point. That should probably be defined a little bit better. Page 15, this sign, that's what I was referring to as multi-colored.

Dr. Six: Oh yeah.

Ms. Kehler: The Henna Lounge one. But, yeah, that's kind of general term.

Dr. Six: 'Cause it seems like -- like I can see in the approved sign, there's at least a couple that have three colors or more.

Ms. Kehler: Yeah. Yeah. So maybe just take out "multi-colored."

Dr. Six: Or even maybe on that note that -- with the X, put in this is an example of a multi-colored sign, you know, this is -- I mean somehow give an example of what you mean by that.

Ms. Kehler: Okay.

Dr. Six: Garish. Heinous. Hideous.

Ms. Kehler: Okay.

Dr. Six: So on 18, you said that that the language is alright. We can regulate sign content and legibility?

Ms. McLean: Content -- "Content" should be deleted.

Dr. Six: Okay. Got it.

Ms. McLean: So it would just say, "Sign Legibility."

Dr. Six: Thank you.

Ms. Kehler: So 19, number 19, on page 9, under the header "Sign Illumination," I think it's important to make sure that conduit and wiring for sign lighting is concealed and it's put away safely. There is some stuff on Front Street that you see where there's very old lighting and there's kind of questionable wiring everywhere, however, if the Commission feels that's not necessary, that's fine too. And then also I was wondering if more guidance on appropriate light color and intensity might help because, at night in Lahaina, and this

doesn't mean it would be a regulation, it would just be more information about light intensity because sometimes when you have really intense lights blaring on a sign, you can't see it at night, and I don't know if that would be helpful to the applicant or not.

Chair Sablas: Maybe mister architect can give us some -- your manao? I have no idea but --

Mr. Skowronski: We really don't want to get into --

Ms. Kehler: Okay.

Mr. Skowronski: Identifying lumens, and colors, and shades. I think appropriate might -
- might cover enough ...(inaudible)...

Chair Sablas: Appropriate. Then, Kai, how would you enforce appropriate because could mean two things to people?

Mr. Wright: Yeah. That -- using that terminology as appropriate is unenforceable. If you wanted something where I would be able to regulate it, you need to have standards, it needs to be said this is allowed, this is allowed, this is allowed; anything other than that is not.

Dr. Six: Didn't we have the big talk about the lights they were going to put along Front Street because of the attracting of animals, birds, so couldn't somehow that -- that language be incorporated into this, you know, because they must have the lumens and the things there? 'Cause I know they were trying to limit the amount of light pollution because it does detrimental damage to certain animals.

Ms. Kehler: Yeah.

Dr. Six: I'm just thinking how it might make it easier. I don't know.

Mr. Skowronski: But it's not -- it's not going to be easy to set a guideline.

Dr. Six: Yeah.

Mr. Skowronski: You're going to need -- you're going to need electrical engineer to come in and define color frequency, intensity, I mean there's like a half-dozen different guidelines that identify how light is perceived. If you go through there, you know, I mean be my guest but --

Dr. Six: Didn't we -- no, no, I think what I was trying to say is didn't they already do that for the lights, the light fixtures they were replacing. Maybe I'm remembering wrong. They had us look at the fixtures they were replacing and they had gone with the standard that as for that, so I'm thinking it's maybe already been done, not trying to reinvent the wheel. I'm just -- maybe I mis-remembered.

Mr. Wright. Sorry. I'm thinking that if you wanna put some kind of a regulation on it, that you need to set those standards, goosenecks, down lights only, something to that effect.

Mr. Lay: Isn't it that already that it has to be down lighting?

Mr. Wright: Well, there's quite a few that are up lit. Quite a few. And they've been there for decades and because there's no actual regulation, these are just kind of suggestions in relation to signs only, then how does that play into the rest of it? I understand what you want to have happen, but I can't make it happen if it's not a regulation.

Mr. Skowronski: Do you have another word other than "appropriate" that you would like to use?

Chair Sablas: Approved?

Mr. Wright: Without getting into specific lighting, no.

Ms. Thomson: There are -- there are State laws regulating outdoor lighting, and I can look them up and pass it along and see if there's something that we could use to relate to signage, but what Kai was suggesting is probably a good idea too is specifying the type of lighting, you know, that it only can be downward, or gooseneck, or whatever the design, maybe design specific terms. No up-lighting.

Mr. Skowronski: But -- but again, we're getting into are we going to specify mercury vapor? Are we going to specify incandescent? Are we going to specify fluorescent? I mean there's -- there's so many scientific physical attributes of light that you really don't want to get into.

Mr. Wright: Right. And --

Mr. Skowronski: You don't know how to specify the light you want but you know -- you know the light you don't like.

Mr. Wright: Right.

Mr. Skowronski: Okay.

Mr. Wright: And right now there are several that have gone to that next level, Bubba Gumps, for example, has their ground sign and they have a menu sign, and both of those are internally lit underneath the lip with LEDs all the way around.

Mr. Skowronski: Right. That's the new --

Mr. Wright: And it's super bright.

Mr. Skowronski: Right.

Mr. Wright: And it's -- it's to the point that it's almost distracting, but there's nothing in here that says they can't have that. So how do you regulate?

Ms. McLean: There is, Chair, there is also a County outdoor lighting regulation in Title 20, which is the Environmental Protection title of the code, where it talks about, I'll just read it: Outdoor lighting fixtures shall conform to the following shielding requirements and usage restrictions, so it talks about the lamp type and the shielding requirement, usage restrictions have hours of restrictions, so I don't -- it isn't as detailed as you were talking about but --

Chair Sablas: So, Kai, are you familiar with -- are you familiar with what she --

Mr. Wright: Not ...(inaudible)...

Ms. McLean: This isn't a code that the Planning Department enforces. This is under the Public Works Department.

Mr. Lay: What type of a code is it? For who, the State or County?

Ms. McLean: This is County, and this is within the Public Works Department, Title 20.

Chair Sablas: Is that something that could be incorporated with Planning?

Ms. McLean: We can certainly make reference to it because it's an existing code. So the purpose of the chapter, I'll just read this as well: The purpose of this chapter is to establish standards to limit degradation of the night visual environment by minimizing light glare pollution and trespass through regulation of the type and use of outdoor lighting.

Mr. Bailey: Chair, what if -- what if we looked at the current illumination around the area via walkway and light post, so if you put in a spec as in the downward lighting, and then illumination cannot exceed walkway or street lamp illumination, you have kind of a set

gauge of what's out there so you -- that way you eliminate high LED, you know, things that are going to exceed the current lighting that's around the area right now so it's enough to identify the sign, but it's keep it somewhat relatively simply as far as illumination, surrounding illumination?

Chair Sablas: What do you think, Kai?

Mr. Wright: It just goes back to specifics. If that's specifics that I can follow, then it's something that I can actually regulate. If there's no specifics, and it's generally if it's appropriate, then there's not really much that I can do with that.

Dr. Six: I was just looking some stuff up on the internet and it says the 590 nanometers is optimal for not impacting wildlife, and humans see between 400 and 750, and animals, it says an impact, I was looking at coastal and wildlife friendly lighting, so there are out there exactly what would be best in the case, I was thinking mostly along the seawall, people that, you know, definitely it'll definitely impacting, I just wasn't sure if we could use something like that just because I know they did that work for the lights they were going to be putting along the seawall. But the information does seem to be available.

Mr. Skowronski: I -- I would like, personally, to give enforcement the widest latitude in regulating the lighting on site at the time, and I think that if we left the word "appropriate" for some word comparable to appropriate and then reference it back to the County guidelines of non-glare, then he has or she has a opportunity to say I don't like -- I think this is inappropriate because it violates this intent, so that you have something to hang your hat on. But, right now, I agree, using the word "appropriate" has no enforcement capabilities whatsoever, but if you reference appropriate with a specific guideline that has already been established, then you have some tools to say that's okay, that's not. Is there a way that we can use a phrase that says appropriate to section so and so and so and so?

Chair Sablas: Well, could we add that section to this section?

Ms. Kehler: Can you repeat that?

Ms. McLean: You -- it could make reference to the -- that lighting is subject to Chapter 20.35.

Ms. Kehler: That's what I was wondering, and then the Federal -- I don't know if the little sign lights come under the seabird compliant thing but maybe we should reference that too. I don't know.

Dr. Six: Only because the Lahaina Town, they came here before us 'cause they were showing us the lights they were going to use, it was all about it wasn't going to impact the wildlife, so it seems like they're moving in that direction, so it might be we can't hold them to that standard or maybe refer to this is why a concern of light in the area, besides light pollution, the affect on wildlife. I don't know.

Mr. Lay: That was all about the ...(inaudible)... too.

Dr. Six: Yeah, I just --

Chair Sablas: I mean --

Mr. Bailey: What if you -- what if you surveyed the lighting that's appropriate, that we think is appropriate now and then find out what those specs are and make that a standard?

Chair Sablas: That's a good suggestion.

Mr. Bailey: So find one, two signs that we can accept, find out what their standard is --

Chair Sablas: And then --

Mr. Bailey: And put that as a guideline here.

Chair Sablas: But like I mean it's clear here the non-acceptable here, but we don't have -- I mean these -- that means this is acceptable the goose, is this the example that this is acceptable and this is not.

Ms. Kehler: Yeah. Correct.

Chair Sablas: Is that what you're suggesting?

Mr. Bailey: Yeah, so what's acceptable, whatever, and then that'd be the guideline for all the signage.

Chair Sablas: Yeah. And I really always gotta look at the enforcement because we can talk all about it --

Mr. Bailey: Right.

Chair Sablas: But it really boils down to how you're going to enforce it and convey it to the businesses to make it clearer and enforceable, and this going to last another 50 years

you know, so if you know we're going to take some time now, hopefully, it's going to help the businesses and staff down the line. This is still -- yeah, this is something that, you know, I can -- I can understand where you're at, Annalise, and staff, but at least, thank you, Michele, for that good reference.

Ms. Kehler: Yeah.

Chair Sablas: 'Cause there is something there.

Ms. Kehler: We definitely want them to comply with Title 20, that's very important.

Chair Sablas: Well, I, yeah, I recall my first CRC meeting, Planet Hollywood came and they wanted to do that revolving sign and made a big argument for it that said then you're in the wrong place.

Dr. Six: I'm wondering if it's appropriate, I mean I know you had this section of Cultural Resources Commission discourages but Ivan's right about the fluorescent LED to -- I know it says no this, no that, but maybe we need to have it somewhere specifically that says not just discourages but -- is it in here somewhere? Well, I mean like the digital special today, this kind, you know, you can get the aloha or open fluorescent signs now at Costco or whatever, I see them a lot in Hana, so I'm just wondering if there's somewhere here that specifically says fluorescent is prohibited? I wasn't sure.

Ms. Kehler: I don't think there is anything in here.

Ms. Thomson: As -- as we were talking, I was looking up some other and just did a search for historic district lighting standards, something like that, so I found a few decent ones that I think we might be able to come up with something and bring back.

Ms. Kehler: Yeah.

Ms. Thomson: You know. We might look --

Ms. Kehler: Actually, I've been looking at the Vieux Carre Commission Design Guidelines, it's the French Corridor in New Orleans, they paid someone to do a lighting study and their lighting guidelines are very specific, like about color and intensity, fixture style, they're very specific, so we can maybe -- we can take a look at some other design guidelines.

Chair Sablas: Is that what you had?

Ms. Thomson: The one that I was looking at, just now, was Monterrey, California.

Ms. Kehler: Monterrey.

Ms. Thomson: Yeah. It might be a bigger topic too, like you were suggesting, it's, you know, signage is kind of a subset of just lighting in general in the historic district, you know, what --

Ms. Kehler: Yeah.

Ms. Thomson: What we want the design to look like too just from a -- from an entire neighborhood standpoint, right?

Chair Sablas: Are you comfortable with -- oh, I'm sorry. Yes?

Mr. Skowronski: There's -- there's ongoing thing on the Mainland now where they're not only lighting signs, but they're actually lighting buildings. If the building's iconic or has some sort of architectural features, then they're lighting that feature and that makes the building stand out. Wayne is, Mr. Wayne is doing that with his tilt up in Kihei where he used to have those neon verticals announcing his building. Are -- are we going to delve into that one too about building lighting?

Ms. Kehler: That's actually a topic for discussion on today's agenda is whether or not we need to develop guideline -- if we need to get into that level of detail in our guidelines, our architectural guidelines and discuss all aspects of lighting.

Mr. Skowronski: Because with the advent of the LED and the sophistication of the lighting that they have now, you can get the light to do just about anything and follow any kind of detail that becomes, as I said, iconic or particular to that building that -- I mean you can see it from the cruise ships and that would be unfortunate.

Mr. Bailey: So one last comment I have on -- on this, just looking at that sign illumination, you know, if it comes down to enforcement and we're talking about appropriate, so it's already in the recommendation, this doc, that unobtrusive fixtures, such as the gooseneck lights, and it says, "are typically a most appropriate option," just remove all that and just make it that that's the approved, gooseneck lights are approved for illumination signs on the wall, for the wall signs, and the everything else is covered, lighting used to illuminate all the signs kinds shall be concealed to the fullest extent possible, so that gives you that regulation, and the use of industrial or track lighting features to illuminate signs is prohibited, so it already has three things to enforce on if we just get rid of the appropriate option and just say that that's approved and then just when this is up for reviewing, do it again.

Mr. Skowronski: So if somebody comes up with a LED sign, that's automatically out?

Mr. Bailey: According to this definition.

Ms. Thomson: What about making the sign lighting part of the permit application? I mean, yeah, we'd have to still set standards so you'd know if it'd have to come to CRC for a variance or not, but maybe we can incorporate it in the permit application.

Mr. Bailey: But they comply with this guideline, and it looks good, he can enforce it, and if there's anything that looks questionable to this guideline, we bring it down for permitting or whatever; that way it's -- just take out "appropriate option" and put "approved option."

Ms. Thomson: I think one of the things to just -- these guidelines were adopted prior to or before the code changes, and I think that there was a little bit, I remember us talking about it then, there was a little bit of hesitation on how far we could go in making these guidelines into actual administrative rules that were enforceable, so that's -- I think -- I think that's why some of the language still tended to be a little bit more permissive, but, yeah, now that -- now that there's clear authority in the code, you can probably be much more strict, in my purview.

Mr. Bailey: Only 'cause the subtitle says, "these fixtures do not detract from the historic architect," so it's giving the approved ones for now and anything other than that can just go for a permitting, and you can state that too.

Mr. Lay: It's the output that we're worried about, right? Could be any light fixture, it's the output that comes out of that ...(inaudible)...

Dr. Six: I wanna see how it looks. I think -- I think it's they don't like the real modern ones even if those had low, the ones above, even they had low wattage, I don't think they want the first modern -- modern looking ones. I think it's partially the aesthetically pleasing gooseneck lamp.

Chair Sablas: So did we confuse you, Annalise, or did we help you?

Ms. Kehler: I think so a lot of this is just, you know, like Richelle said, some of this is less regulatory and more suggestion, and so really it's up to the Commission on how they feel about certain items and how strongly they want to regulate certain topics 'cause I mean we can be lenient, it's up to you how lenient you want to be on some things, some things may be aren't as important as others.

Chair Sablas: Well, the question come to my mind that once we go through this whole process, the kuleana be on staff, enforcement staff to go and clean it up and -- and cite

all those non-conformances, and that's why I'd like to talk about later before we end the meeting, so what happens for the -- those who are non-conformance presently, but, you know, that would be when we've gone through this whole process.

Dr. Six: You know, and I was just going to back, you know, what Commissioner Bailey said, if you have ambiguous language, and I understand why you need it, it can confusing to someone who just wants to like make sure they're in compliance, so using this would keep you in compliance. Alternative --

Mr. Bailey: If you have the ...(inaudible)...

Dr. Six: Variations you would have to seek a variance, but I'm just saying like so 'cause -- 'cause you're like, you know, if you're really trying to see what is exactly, you know, you can't use vinyl lettering, you can't -- but this just seems a little ambiguous.

Mr. Bailey: And you have the photos of what you don't want, you have the photos of what you do want in the guidelines.

Dr. Six: And, you know, if you request a different type of lighting that you would need to talk to whoever or request a variance, which is -- give them something that's, I don't know if it's enforceable, but just not as ambiguous to the person who's trying to put up a sign and trying to be in compliance. But I understand why it's vague, but then, you know, if you're just reading along and just wanna check the box, you kinda wanna make sure that --

Chair Sablas: So it's obvious we got -- you gotta work on this one. Yeah.

Ms. Kehler: Yeah. I'll circle that one to make sure. So number 19 needs work. So it's noted that number 19 needs work. We'll move on to number 20.

Dr. Six: Well, there you have neon signs. I guess that would be fluorescent.

Ms. Kehler: So the Case by Case section, on page 9, I suggest removing it because, really, if compliance can't be made with the guidelines, then a variance is needed, and so that would -- that should be explained in the variance procedures.

Chair Sablas: We're all in consensus? Okay. Move on. Twenty-one?

Ms. Kehler: And then item 21. So there was a couple of other signs that are not discussed that are prohibited, but they probably should be discussed, and that includes inflatable signs, like the Blackie car salesman drawing thing, and channel lettering, which is the backlit signs that you see sometimes, like at a McDonalds or something, and then wind

signs, which are those things that you stick in the ground and they have a sign on it, and so I would suggest just adding those to this list. So moving on to item 22, that's the Event Banner section on --

Mr. Skowronski: I have a question.

Chair Sablas: Okay. I'm sorry. There's a question.

Mr. Skowronski: Can you flesh out and add a little bit more definition to what you mean by "channel letter signs?" I mean what you just said, you know, backlit or something, throw a couple of adjectives in there because I'm not quite sure what people are going to interpret for "channel?"

Ms. Kehler: I'll define all the signs that I --

Mr. Skowronski: Okay.

Dr. Six: Maybe -- maybe a photo. Photo example.

Ms. Kehler: Yeah, photo and definition. Okay, so Event Banners, we have Theo --

Dr. Six: Only permitted instead of permitted only.

Ms. Kehler: So Theo had some suggested changes, and I'm okay with those changes, and I think we should just incorporate that, although my letter says, "the Maui Waterwear building," and I just wanted to note that she suggest the Wo Hing Museum, and instead of 850 Front Street, she suggest 858 Front Street. And then -- and then everything else is okay.

Chair Sablas: I think it's good to actually reference the street address because names might change, so even Kimo's has been there forever but I still think we should, if we say "Kimo's," put the -- the street address too.

Ms. Kehler: Yeah.

Dr. Six: Yeah, it said that in 22 ...(inaudible)...

Ms. Kehler: Yeah, 845 Front Street is the Kimo's building, we'll add that in, and then, in my letter, number 22, says, "Maui Waterwear," Theo wants us to change that to Wo Hing Museum at 858 Front Street.

Chair Sablas: 'Cause they're back to back, the Waterwear and Wo Hing.

Ms. Kehler: Yeah, apparently, the Waterwear building is owned by Wo Hing and they're on a zero lot line.

Chair Sablas: Yes. Yeah.

Ms. Kehler: And Kamehameha Iki Park, for events occurring at Kamehameha Iki Park only is what she wants item 3 to say, under Event Banners.

Ms. McLean: Annalise, to be clear, you're proposing rather than your description in number 22 to go with Theo's three or actually four changes?

Ms. Kehler: Correct.

Ms. McLean: Okay.

Ms. Kehler: And then also because it says -- her's says, "Kimo's," well, we'll just add in the address of Kimo's --

Ms. McLean: Right.

Ms. Kehler: Which is 845 Front Street.

Ms. McLean: Okay.

Ms. Kehler: So using Theo's recommendations with the addition of 845 Front Street. Moving on to number 23, on the staff report, it's page 12, the Talking Signs section, subsection 19.52.090.E, of the County Code, doesn't apply to signs, it really applies to people calling out and soliciting business and things like that, and so my suggestion is to just delete this section.

Chair Sablas: We have consensus on that?

Dr. Six: I hate the -- people that are hawking on Front Street, but I understand that it's not a sign. It would be nice to have something but I don't think it really belongs in this.

Chair Sablas: But where is this? Yeah, is this covered elsewhere?

Ms. Kehler: It is covered in -- in that section of the County Code that prohibits -- what it says is it is unlawful for any person to carry on or solicit business in any location on any street, highway, or sidewalk.

Chair Sablas: Okay.

Ms. Kehler: The same also unlawful in any location in any park or open space that is owned or maintained by a government agency having administrative authority over the park or open space.

Mr. Lay: I've heard they take the fine. They don't care about getting fined.

Dr. Six: I'm pretty sure it's covered. Under Prohibited Signs, you have D, Outdoor Product Displays, and you have pareos as signs here.

Ms. Kehler: I'm sorry?

Dr. Six: Under Prohibited Signs, you have D, Outdoor Product Displays, and you just have a picture of pareos hanging with no signage on it, it's on page 10 that I can see, so --

Ms. Kehler: Okay.

Dr. Six: If we're considering that, I mean it's an outdoor display, I'd rather have the pareos hanging outside than the guy shoving the face cream in my face. So I'm just wondering how -- it is part of advertising and I --

Mr. Bailey: I think it's the signs on the door.

Dr. Six: Yeah. Yeah. So maybe this isn't the best. Maybe we need a picture where they have like 50% off or some kind of signage on there because if we're -- if we're specifically talking about signs, this is -- this is product display outside, then I'm hawking my cream outside. I mean I am, in fact, advertising. I am, in fact, the talking sign. Or someone who's soliciting you. So I'm just trying to -- trying to -- where do we draw the line. 'Cause I really can't stand to walk down Front Street anymore because they wanna sell me face cream every place I go, you know, and I don't know how we address it in this document, but I hate to throw the whole thing out just because --

Mr. Wright: Hi. Sorry, just to --

Chair Sablas: Please.

Mr. Wright: Clarify that a little bit. The hawking thing, they need to be inside their doorway.

Dr. Six: They weren't. And you said or whoever said they don't care about the fine.

Mr. Wright: Right.

Dr. Six: Whoever said they don't care about the fines --

Mr. Wright: But with the product displays that are shown, those are outside the doorway and they're supposed to be -- the people that are trying to lure you into the face cream thing are supposed to be inside.

Dr. Six: Yeah, I get it, so maybe we show a person outside with the face cream and say none of this ...(inaudible)... I'm just saying 'cause I'm -- I wanna keep it in. I wanna keep them -- keep them -- but I understand why it's really none of the purview of this document, but, for me, it's one of the most annoying aspects of walking down Front Street. So I agree you shouldn't have your product outside, but I also shouldn't have to have to be verbally accosted as I leave brunch.

Mr. Lay: And it is a walking/talking sign.

Dr. Six: Let me tell you, they're aggressive ...(inaudible)...

Chair Sablas: Okay. Commissioner?

Mr. Skowronski: I have a question about, literally, talking signs. Pre-recordings, videos, motion-triggered pre-recordings or -- or things like that, is that allowed?

Ms. Kehler: It's --

Chair Sablas: A talking parrot?

Ms. Kehler: It is not, not allowed. We don't have anything that says that. We just have this -- this provision in the County Code about people not being able to call out to you while --

Mr. Skowronski: But I mean --

Ms. Kehler: You're not supposed to solicit business in a public --

Mr. Skowronski: A tv monitor that has a video of a windsurfer, or a wind sail, or a helicopter ride, that's okay?

Ms. Thomson: I think now is the time to make it not okay if you don't like it.

Ms. Kehler: Yeah.

Dr. Six: Yeah, I think that's why -- you're right.

Mr. Skowronski: I mean that, technically, is a talking sign whereas hawking is another branch that we could outlaw, regulate, or try to control, but --

Ms. Kehler: Okay, so videos --

Dr. Six: You know, all those timeshare places and they're selling the whale watch, they've got the -- they've got the big flat screen, I know they're inside, but it's obviously to catch your eye with the view shots and to get you to come and sign up with them, so it is advertising.

Mr. Skowronski: It's -- that's okay? Are you enforcing that? Are you --

Mr. Wright: So there aren't any of those that I know of that are right at the front door. All of them are inside, and once they're inside, I can't regulate it. The specific ones that I can think of that are more along the lines of what you're talking about would be ...(inaudible)... they have a pre-recorded message of I think it's some artist and they have the speakers down at the -- at the doorway, and they're aimed out onto Front Street, and it's just a constant loop of that voice playing over and over trying to get people to stop and look inside, and I understand that there's not a whole lot that I can do with that because it's kinda the same thing with the music, I know Fleetwoods has -- has a speaker that's aimed directly out the window, it's not for the enjoyment of patrons inside, it's directly outside and it's, I took a picture of it the other day, it's hooked in so that it doesn't move. You guys tell me, is that -- do you consider that as talking signs?

Mr. Skowronski: Well, we've already addressed light pollution.

Dr. Six: It's noise.

Mr. Skowronski: I mean -- I mean is this not a sound pollution?

Mr. Wright: I'd -- I'd leave that to your discretion. You know, where does it become pollution? Is music pollution or is it the pre-recorded message? Can they play Hawaiian music, and Hawaiian Kine all day? Can they play 98.3, which is more it's modern music? What's allowed and what isn't? At what point do you consider it the sign?

Mr. Lay: When it's selling the product, huh?

Mr. Skowronski: Well, again we --

Mr. Wright: And if it's just somebody talking but they're not saying come in and buy my stuff, is it still considered a sign? I mean these are the things that I get --

Dr. Six: It's considered annoying.

Mr. Wright: When I'm out there and I try and regulate it and then that's the argument that I get back, so I pose that question to you.

Mr. Bailey: I like the recommendation to remove it. Just remove that talking sign 'cause it's not defined.

Chair Sablas: But if you remove --

Mr. Bailey: And then the noise -- noise ordinance laws come in place if there's a complaint. To me a talking sign would be Quicksilvers, Quicksilvers, Quicksilvers, you know, that's a sign, right, versus like case in point, so remove it is your recommendation, correct?

Ms. Kehler: Yeah. The reason why we put it in was because the makeup guys were a hot topic at the time and folks were feeling harassed and so we wanted to emphasize that soliciting business on a public right-of-way is not allowed per the County Code, however, it gets into an area that isn't signage and we still have that -- that section of the code that Kai can enforce at least against solicitation so --

Chair Sablas: So do we have a consensus to remove that and then leave it to the existing code that addresses the noise? Kai? We haven't -- we're not making it easier for you I know but --

Mr. Wright: I mean when I've cited previously, I've had to use the other section of the code anyway.

Chair Sablas: Yeah.

Mr. Wright: And so, you know, I already have a tool for that. Yeah, what's in here right now doesn't -- I don't think belongs in the sign --

Chair Sablas: Okay.

Mr. Wright: Portion.

Chair Sablas: Okay. But at least we had good discussion on it and move on. Okay, we have consensus on that then. Thank you.

Ms. Kehler: Okay, moving onto item 24. We're almost done. Item 24, page 13, my suggestion is just to change the wording a little bit on the headers here, so up on the top, I think we should just change it to keep it simple, "Good and Bad Examples of Signs" versus "Good and Bad Examples of Commercial Signage." Just keep it simple. And then instead of saying, "Permitted" and "Prohibited," just say, "Good" and "Bad" because, technically, some of the signs under this column on the right-hand side are permitted, they're just bad examples because they're obstructing architectural features, which is not allowed in these guidelines or they're -- they're not complying with other parts of the guidelines, so does that make sense to everybody?

Okay, page 16, I suggest just changing the Sign Review Process section, I can provide a little bit better information to the public on how that works and what the process is like, and I can fix that section. So are we okay with doing away with this current language and me fixing it?

And then, again, on page 16, I recommend adding a new section called "Variances," where I think we should provide information about the sign variance procedures that are established in subsection 16.13.170.B and through F, of the County Code.

Chair Sablas: Yeah. Good.

Ms. Kehler: Okay. Okay, and then I -- I don't know how the Commission feels about recommendation 27. I -- the application requirements, I don't know how necessary that is to have on design guidelines, the sign permit itself has an explanation of what's required to obtain a permit, so I would just, for the sake of cleaning up the document, get rid of that section.

Dr. Six: What if you -- what if you left it with just the website link to it so in case someone's interested in where do I find this, it can be like application requirements go to da da da da da?

Ms. Kehler: Yeah. Yeah, and, in fact, I think that that link needs to be fixed, it's old, but what I'll do is I'll keep it general and I'll just direct them to where -- where the permit is.

Dr. Six: Where the latest --

Ms. Kehler: Yeah.

Dr. Six: Information is.

Ms. Kehler: Yeah, and then I'll do away with the whole bottom paragraph about sign permit applications and what they need to require.

Chair Sablas: Okay.

Ms. Kehler: And that brings us to number 28, which is the last recommendation, and this is something that Theo submitted testimony on, and it's about the sign approval tags. I just threw it out there that maybe we should stop using them because we now allow signs, like windows -- window signs and we have awning signs and there's a question of, well, how do you show that those permit -- those signs have been permitted versus the wooden signs where you can screw the tag in. I told Theo that I could work with Kai to come up with some sort of potential solution of whether it's like a vinyl sticker that you put next to a window sign that's been approved, but, you know, we can -- we can try to figure something out, I don't have a definite answer right now as to what that solution would be, but --

Chair Sablas: I always brought up this discussion too and I would strongly recommend that we keep something. I mean I think those who are in compliance should be recognized and, you know, it's like kinda restaurants if you see some kind of, even small, and all these people are in compliance of business with all the things we do, and those who don't have that sticker, well, then, you know, makes it easier for enforcement too to see, you know, let's -- how do we get you to have that smiling sticker or whatever that it's going to be on there, but I think I would have to agree with Theo on this one that it was important to just recognize those who are in compliance because serving on this Commission, you know, many times people who come here for a permit are in compliance, but then after those who's in business, then they get noncompliance and then that's where -- that's where it gets messy, so I think if there's some type of method to see that that these people are continually in compliance will be good for, you know, I would think for enforcement and for the community I mean to -- to do this. One question that comes to mind, once we do this, I would think you'd have to do a lot of cleaning up, Annalise, and does it come back to the, okay, to our group?

Ms. Kehler: Yep.

Chair Sablas: And then are you going to have kinda like a community meeting or something or how does the public or businesses know that this has been revised and are they going to be provided with copies, or what's the next step?

Ms. Kehler: Well, what I would do is I would take what we discussed today, I would incorporate it into this document, and then I could distribute to Lahaina Town Action Committee and Lahaina Restoration Foundation, and any other stakeholders you can

think of in West Maui, and let them take a look at it and allow them to provide comments, and, let's see, from there, we can consider the public's comments at another meeting, and kinda go over it one more time, and then once we get it to where we're all in agreement with the community and the Commission, then we will take that final document, adopt it in our Administrative Rules formally at a public hearing, and then I -- Richelle had another recommendation to codify this, the final document in our Administrative Rules just to kind of double-down so that we have it both in the design guidelines as well as in our Administrative Rules so it's set.

Ms. Thomson: So there's -- if it's an adopted Administrative Rule, it'll give enforcement better teeth, you know, but there's some -- there's some things that kind of lend themselves, you know, rules or they're pretty -- they're specific and, you know, you know exactly what you're looking at, there are other things in the document that may be better visual aids, you know, so they're, you know, so like the photo facets of this is good, this is bad or this what the lighting should look like, I mean it's just easier to see it visually or a diagram, so some of those might be -- you might end up with rules and guidelines, or just rules at the end of this process.

Ms. McLean: Chair, if I may? It doesn't seem that these changes are -- they matter for those of us who administer it, but they don't seem to be substantive changes to the overall regulations that have been in place for a while, so I think distributing them out is good, I don't know that public outreach in Lahaina is -- is needed at this time, but certainly when they come for -- to be adopted into rules, that's a public hearing, there's notice published in the newspaper, and so that -- that is an opportunity for -- for people can be aware that it's going to be codified.

Chair Sablas: But if we're going to update it, shouldn't every business in Lahaina have a copy? He's nodding yes.

Ms. Kehler: The intent -- the intent or, initially, when I set out to look at this document, yeah, it was just to clean it up, but it's -- there are some things I don't think the regulations are changing that much but we can certainly provide them with a copy of the changed document.

Chair Sablas: I would recommend that that every business has a copy of this so that at least, you know, they know, I mean we can talk about it, but, really, is it in -- is it happening in the hands of those who are really there.

Ms. Kehler: Yeah.

Chair Sablas: The other thing we talked about, this picture, this photo, I mean both Theo and I didn't like this photo in particular, I never like this color, you know, I mean I don't

think this is representative of this Historic District having all this multi-colors and we recommending that we have a more appropriate cover photo with for this banner. I've talked to Annalise about that.

Mr. Wright: I'm sorry. I have a meeting at 1:00 that I have to be at.

Chair Sablas: But you're very, very valuable for being here, Kai. Thank you very much. Thank you. Thank you.

Ms. Kehler: Thank you, Kai.

Mr. Lay: I have a quick question.

Chair Sablas: Yes?

Mr. Lay: Are we going to put a time frame then on? Of course new applicants have to comply, but the people that have been there for a while, we're giving them two years or one year time frame where they have to make these changes?

Ms. Kehler: So there's certain sections that folks comply, like you cannot have the sign on our sidewalks and stuff like that that immediately happens, I don't -- this would have been a good question for Kai.

Ms. McLean: It would fall under our typical nonconformity procedures where if something was permitted because those were the regulations in place at the time, then that's allowed to stay. But if it changes at all, then the changes have to be compliant with the new requirements. And in terms of a nonconformity, a lawful nonconformity, that can exist forever. There isn't a requirement that after a certain period of time, they need to come into compliance; that's just with our entire zoning code that we allow lawful now nonconforming uses and structures to remain because it's not a health and safety issue, that's usually when you have a limited period to come into compliance if there's a health or safety issue.

Chair Sablas: So are you saying that it's okay then for the non-conformance people to continually non-conform?

Ms. McLean: If they were lawful at the time they were established. If someone has an unpermitted sign, that's unpermitted period. But if it was lawful at the time it was installed, then, yes, it's allowed to remain.

Mr. Lay: Well, following up on that, so like if I have a light fixture that's, you know, when I put in one sign, it's old, it's deteriorated, it's falling apart, are you going to let them put the same light fixture up or they will now at that point conform with the new lighting?

Ms. McLean: Right, if that nonconformity is going to be changed, then the change has to be compliant with new requirements.

Chair Sablas: Wow, took us two hours. I thought it was going to be sooner. But I really appreciate everybody's manao and, you know, in helping the County, and that's who we are is the Cultural Resources Commission, so thank you. Anymore thoughts on this subject, this item? Mr. Kaleo, you're so quiet.

Mr. Ropa: It's just crazy all these rules on signs ...(inaudible)...

Chair Sablas: And our new, Commissioner, so what do you think about your first meeting?

Ms. Lima: Definitely learned a lot.

Chair Sablas: Learned a lot, yes. A lot of 'em is listening to begin with, and I really thank you guys again for coming and to being here and being part of the -- the process. So, Annalise, what's next?

2. **Review of proposed amendments to the policies, procedures, and standards for plan review and approval within County Historic Districts and the Lahaina National Historic Landmark (A. Kehler)**

The Commission may review amendments to current policies and laws relating to historic districts pursuant to 2.88.060.M.2, Maui County Code

E. DIRECTOR'S REPORT

1. **Discussion on sign guideline enforcement issues in the Lahaina Historic Districts (C. Wright)**
2. **Discussion on architectural concerns in the Lahaina Historic Districts, including the potential need to develop exterior lighting guidelines (A. Kehler)**

Ms. Kehler: So moving on to item E, Director's report --

Chair Sablas: Oh, I'm sorry?

Mr. Skowronski: I have to leave in five minutes.

Chair Sablas: Okay. Commissioner Skowronski has to leave by 1:15.

Mr. Ropa: I need to call Expeditions to see if they're running the last boat.

Chair Sablas: And he has -- yeah, so how long, I mean what's the next? Like I said, I didn't realize this was going to take so long, so --

Mr. Ropa: Can I make the phone call first though?

Chair Sablas: Sure.

Dr. Six: Take a break? Break?

Chair Sablas: Oh, yeah, we didn't even have a bathroom break but --

Ms. Thomson: We can defer these items too.

Chair Sablas: Oh, we can defer these items or what?

Ms. Kehler: You can defer if you want.

Chair Sablas: Okay.

Dr. Six: Defer this.

Chair Sablas: Yeah. Defer. Yeah. So are we okay in deferring the item because it's, yeah?

Mr. Skowronski: The second item

Chair Sablas: The second item is -- the second item, I'm sorry, that's -- we can defer the number two, right?

Dr. Six: Yeah.

Ms. Kehler: So we have two items under the Director's Report, the discussion on sign guidelines enforcement issues in Lahaina, and then a discussion on architectural

concerns in Lahaina including the potential need to develop exterior lighting guidelines. So if we want to defer, that's at the discretion of the Chair.

Mr. Skowronski: It'll take another two hours.

Chair Sablas: Yeah, I mean, you know, I know we have time constraints for others, and I do want to be respectful, because I didn't realize it's going to take two hours for us to discuss this, but, again, it was important discussion, so I would recommend that we defer to the next meeting. And we don't -- I'd like to also suggest for our Molokai people and then we'll talk to Lanai later on that you're from that island and if you have topics that you think, burning topics on your island that reflects I mean, you know, about your cultural resources that you contact staff that we can be more aware so it's not just all Maui issues. Commissioner Ropa, I had mentioned earlier that, you know, moving forward, that a lot of our discussion is focused on Maui but, for you on Lanai and you on Molokai, if there is pressing issues on your island regarding the cultural resources, please convey it Annalise that if you'd want us to at least have a, you know, some discussion so that we know what's on your side on the islands too. And I think that was my discretion, we're going to defer the other items up because we have taken two hours on this meeting and it wasn't expected, but it was a job that we needed to do. Yes, ma'am?

Dr. Six: One of our regular attendees, Wallet Pellegrino, wasn't able to make it here but she would like me to acknowledge that what I saw that our Chair's being one of the honorees at the 20th Anniversary of the Native Hawaiian Hospitality Association, which she helped found in 1997. That's it.

Chair Sablas: Thank you. And I still have a passion for that. Thank you. So --

Dr. Six: Oh, and about the meeting about the hale codes, do we talk about that separately?

Ms. Kehler: Yeah, we can talk about that.

Dr. Six: Because both Francis Sanenci and Senator English have both agreed and after the 14th of October, Francis will be available and so we can set a meeting.

Chair Sablas: Right.

Dr. Six: For our investigative group.

Chair Sablas: So Annalise will let us know, those of us who are on the -- thank you for the reminder.

F. NEXT MEETING DATE: November 2, 2017

G. ADJOURNMENT

Chair Sablas: So with no further business to discuss, we adjourn? Meeting is adjourned. Mahalo everybody. Thank you.

The meeting was adjourned at approximately 1:02 p.m.

Submitted by,

SUZETTE L. ESMERALDA
Secretary to Boards & Commissions II

RECORD OF ATTENDANCE:

Present:

Lori Sablas, Chairperson
Ivan Lay, Vice-Chairperson
Timothy Bailey
Michael "Kaleo" Ropa
Cheney-Ann "Pulama" Lima
Frank Skowronski
Dr. Janet Six

Absent(A)/Excused(E):

Christ Kajiwara-Gusman (A)
Luana Kawaa (E)

Others:

Michele McLean, Deputy Planning Director
Annalise Kehler, Cultural Resources Planner
Kai Wright, Zoning Inspector
Richelle Thomson, Deputy Corporation Counsel
Suzette Esmeralda, Secretary to Boards & Commissions II