



WAIALAE-KAHALA NEIGHBORHOOD BOARD NO. 3

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII 96813
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REGULAR MEETING MINUTES THURSDAY, NOVEMBER 20, 2008 WESLEY UNITED METHODIST CHURCH

CALL TO ORDER: Vice Chair Scotty Anderson called the meeting to order at 7:03 p.m.; a quorum was present with six (6) of nine (9) members present.

Members Present: Scotty Anderson, Gerri Digmon, Stan Fichtman, Lester Fukuda (8:11 pm), Sylvia Himeda, Lucinda Pyles, Kelley Roberson.

Members Absent: Richard Turbin (notified), Julia Kane (notified).

Guests: Lt. Arthur Kurosu, Ofc. Keith Takamiya, and Sgt. Roy Hamamoto (Honolulu Police Department – District 7, East Honolulu); Capt. Mike Tosaki (Honolulu Fire Department, Kaimuki Fire Station); Wayne Yoshioka (Mayor's Representative and Director, Department of Transportation Services); Gavon Imamura, Moani Wright (Board of Water Supply); Kelley Lehuakeapuna Uyeoka, Mishalla Spearing (Cultural Surveys Hawaii); Kathleen Kelly (Citizens Against Noise); Senator Sam Slom; Councilmember Charles Djou; Lee Castonguay; and Ivy Yeung (Neighborhood Commission Office staff).

INTRODUCTION OF BOARD MEMBERS AND GUESTS: Those present introduced themselves.

HONOLULU FIRE AND POLICE DEPARTMENTS:

Honolulu Fire Department (HFD) – Capt. Mike Tosaki reported:

- 1 structure fire; and 76 medical and 12 miscellaneous emergencies. No major incidents were reported.
- Fire Safety Tip: 1) This holiday season, consider a fire resistant, artificial Christmas tree. If you purchase a natural tree, choose one as fresh as possible, keep it hydrated, and keep it away from heat sources in the house. Use noncombustible materials for decorations. Choose only Underwriter's Laboratory-approved electrical decorations and follow manufacturer's instructions for installation and load. Do not overload extension cords. 2) Holiday family gatherings often include extensive food preparation and visiting guests. As a significant portion of home fires originate in the kitchen, do not leave cooking unattended. Have an ABC-rated fire extinguisher available near the kitchen and learn to use it. Turn off the heat if you must leave the stove, even if only for a few minutes. Never wear long, loose-sleeved clothing while cooking. Turn the handles on pots and pans inward to prevent accidents. Keep children away from the kitchen. If you are hosting overnight guests, share your home escape plan with them, including your designated meeting place outside the home.

No questions, comments, or concerns followed.

Honolulu Police Department (HPD) – Ofc. Keith Takamiya reported: 1) The monthly statistic report was distributed and included the Home Security Safety Tips and a flyer with contact information for District 7-East Honolulu. 2) Some Holiday food safety tips include washing hands with soap, don't cross contaminate raw and cooked foods, and use the fridge to thaw foods. 3) District 7 – East Honolulu website is www.honolulupd.org/patrol/d7; and using the "Report to Us" link, a response can be received within 48 hours.

Questions, comments and concerns followed:

- Digmon inquired about the yellow dotted lines on the newly paved Malia Street and mentioned that at night the lines are hard to see. She would prefer the white lines. Officer Takamiya explained that the color increases the restriction and mentioned that those lines are temporary. Wayne Yoshioka will address this issue in his report.
- Katherine Kelly inquired about the past question concerning the number of citations given for noisy mufflers. The statistics are organized by the different beats and last week there were two citations given to



motorcycles. HPD uses discretion when citing mufflers depending on the situation. Currently, something is being planned regarding this issue and HPD will provide follow up information.

- Regarding low flying helicopters, please contact the Federal Aviation Administration (FAA). Other contacts include the State Department of Transportation (DOT) and the Citizens Against Noise group. Kelly announced that she is part of Citizens Against Noise and will try to have a meeting to work on these issues. Please contact her at 732-2992.

REPORT FROM CITY AGENCIES:

Mayor's Representative – Wayne Yoshioka reported:

- Regarding the previous question on the dotted lines on Malia Street, right now the striping is only temporary. Yellow lines are markings that separate opposite directions of travel and the guiding line to turn left is colored yellow. White lines indicate the right edge of a roadway or traffic flowing in the same direction. The permanent striping is being finalized right now and there is a request that for the Koko Head bound traffic onto Malia Street, that a separate left turn and right turn lane be created to include channelization. The project has started and should be completed by December.
- Regarding the issue for the Department of Planning and Permitting (DPP) to check the condition of the sidewalk fronting 3795 Diamond Head, a site inspection was done by William Kupau on November 13, 2008 revealed that a previous work order (WO200700112) was sent to the Department of Facility Maintenance (DFM) on February 28, 2007.
- DPP sent Pam Roberts who inspected Kilauea Avenue on November 13, 2008 and revealed that there were cracks and an uneven sidewalk in the area. A work order (WO200800616) has been sent to the DFM on November 14, 2008.
- The bulky item collection continues on a monthly basis. Green bins should be used for green waste and additional green bins can be requested by calling 768-3200.
- Regarding concerns with chickens and roosters creating a nuisance in the neighborhood, it is important to notify HPD when this occurs so that the owners may be cited.
- Yoshioka wished everyone a Happy Thanksgiving and safe holiday season and announced that this current meeting will be the second to the last NB meeting for him. Ross Tanimoto, the second deputy of the Director at the Department of Environmental Services (ENV) will be taking his place. He will attend the January 2009 meeting with Tanimoto to get him adjusted.

Questions, comments and concerns followed:

- Regarding past concerns of the rusting support of tables and benches under the trellis area on Diamond Head side of Waiialae Beach Park, there was still a concern that some benches have not been worked on because of noticeable corrosion and missing paint. These benches are located at the Diamond Head side of the canal forward of the foot bridge. Yoshioka will follow up on this issue with the Department of Parks and Recreation (DPR).

Board of Water Supply (BWS) – Gavon Imamura reported: 1) No main breaks for the past month. 2) BWS is offering three xeriscape workshops at the Halawa Xeriscape Garden, which offer hands-on activities teaching individuals about “unthirsty plants” and how they can be used to craft stunning wreath decorations. The Tillandsia Holiday Craft will be held on November 15, 2008 from 10 am to 12 pm and two Xeriscape Holiday Wreath Making workshops will be held on November 22, 2008 and November 29, 2008 also from 10 am to 12 pm. Pre-registration and a nominal fee are required to join. For additional information or to register, call 748-5363 or email tours@hbws.org. 3) BWS will be participating in the annual decoration of Honolulu and Kapolei Hale. BWS employees and their ohana will participate in the City's Christmas parades on December 6, 2008 in downtown and on December 13, 2008 in Kapolei. Please visit the annual Christmas light display at Honolulu Hale. 4) The search has begun for a new director for the BWS since the resignation of the current director.

Councilmember Charles Djou – Stan Fichtman passed out Councilmember Djou's report.

BOARD HOUSEKEEPING:

Approval of the October 16, 2008 Regular Meeting Minutes – The October 16, 2008 Regular Meeting Minutes were approved as circulated by unanimous consent.

Treasurer's Report – Pyles reported for October 2008, current operating expenses of \$23.81 leaving a total balance of \$2,471.26. No expenditures reflected in the Publicity and Refreshment accounts leaving the balances the same at \$936 (Publicity) and \$120 (Refreshment).

RESIDENTS' CONCERNS:

- Anderson thanked the City for working on the left turn lane onto Ainakoa Street off of Malia Street.

REPORTS FROM ELECTED OFFICIALS:

Governor's Representative – No representative present.

Representative Barbara Marumoto – distributed her report.

Representative Lyla Berg – distributed her report.

Senator Sam Slom – distributed his report and highlighted the following:

- On Tuesday, November 18, 2008, Melvin H. Fujino was confirmed by unanimous floor vote during the second day of the 2-day Senate special session.
- The Senate Minority Caucus has been reduced to two and Senator Fred Hemmings will retain his post as Minority Leader while Senator Slom will once again become Minority Floor Leader. His room number remains the same at Room 222 and he will be giving the opening day speech on January 21, 2009.
- Feel free to contact Senator Slom with any issues on legislation.
- The Diamond Head Trail will reopen on November 21, 2008 since the rocks causing a potential hazard have been mitigated.
- Wilson Elementary will be having a Fun Fair including a silent auction on Saturday, November 22, 2008 from 9:00 am to 2:00 pm.
- Wailupe Valley School is on the list for closure and consolidation. When he visited, Senator Slom was amazed at how few students attended the school.
- He wished everyone Happy Holidays.

OLD BUSINESS:

Update on Proposed Resolution to Japanese Consulate Concerning Property Owner Genshiro Kawamoto –

Pyles announced that she had attended a meeting with residents and Councilmember Djou on Saturday, November 15, 2008 regarding this issue and there was discussion on a possible civil suit, demonstrating during the Honolulu Marathon or Sony Open, and working with the City to beef up citations. Currently, Kawamoto has 33 citations of which five or six are outstanding and although once he is cited, he usually responds quickly and doesn't act until the next citation. She also met with Henry Eng and showed him pictures of violations. Eng felt that there were many possible citations and he was given a list of 20 properties to investigate.

Kahala Elementary School Outdoor Marquee – At the last meeting, Allison Mikuni, President of the Kahala Elementary School Parent Teacher Organization, spoke before the Board and asked for favorable consideration of a proposal to install an outdoor marquee on campus at the corner of Pahoehoe and Kilauea Avenues. The marquee will be used for posting notices for parents on upcoming events and the dimensions are four feet by six feet. It should be installed by Spring 2009 and are currently in the process of preparing an application for a waiver permit to be filed with DPP. At the last meeting, the item was not on the agenda and the Board lacked the 2/3 vote to add it to the agenda. Therefore, it is being brought up at this time.

This agenda item was inadvertently not on the agenda. Chair Roberson entertained a motion to support Kahala Elementary School to install an outdoor marquee on campus to the agenda; this would require a two-thirds vote (6) of the Board.

Anderson moved to support Kahala Elementary School to install an outdoor marquee on campus; Fichtman seconded the motion. The motion was ADOPTED, 6-0-0. Aye: Anderson, Digmon, Fichtman, Himeda, Pyles, Roberson.

Bills Concerning Bed and Breakfast/Transient Vacation Units – Councilmember Djou reported the following:

- Bill 6 is a resolution proposed by Councilmember Barbara Marshall and would allow and characterize Bed and Breakfasts (B&B) as a home exemption much like other exemptions that are commercial, but allowed in residentially zoned areas such as hula lessons, swimming lessons, and an accountant or law practice.
- Councilmember Djou explained some history behind the B&B homes regulation in the past and mentioned that in 1989 a law passed giving licenses to B&B homes and these would be the only ones allowed to be legal. The hope was that these B&B homes would die out.
- Councilmember Djou doesn't support this resolution, but instead proposed Resolution 08-256, which amends the charter of the City & County of Honolulu 1973, as amended, establishing a City Board to regulate B&B homes. He explained that this established board would be modeled upon boards such as regulators for dentists and general contractors. The board would operate and be financed and paid for through licensing fees including the amount granted in 1989. Usually in these cases, those that are licensed become the most aggressive in shutting down the unlicensed ones to protect their image and maintain the high standards.

Lester Fukuda arrived at 8:11 pm (7 members present).

Questions, comments, and concerns followed:

- Anderson mentioned that he is on the license board for State contractors and although he agrees with Councilmember Djou's proposed concept, the main problem is enforcement.
- Digmon commented that the B&B homes and TVUs have gotten out of hand and now operate more like mini hotels.
- Councilmember Djou also feels that the problem is enforcement and that inspectors are a part of the solution. The problem is where to get this manpower.
- Pyles suggested giving more power to DPP for enforcement and mentioned that she doesn't support Bill 6. Councilmember Djou responded that funding is the issue and could easily be reallocated to other departments with different administrations. There is no assurance over the long-term in enforcing the law. He feels it is important to have a dedicated source and funding for a special board.
- A resident suggested if a board is created to provide licenses, then large fines should be given to those that are illegal and therefore will be enough to pay for the enforcement.
- Councilmember Djou supports Bill 8 and noted that according to this resolution, in order for a B&B to advertise, it must have a license and the license must be printed on the advertisements.
- Himeda noticed that the legal and illegal B&B owners are on one team and worked together and doesn't feel that this will change if a licensing board is formed. She suggested that HPD resources be redirected for a period of time for enforcement. Councilmember Djou stated that in order for this to possibly happen, he needs Neighborhood Board support.
- A resident inquired about how other cities deal with these issues. Councilmember Djou mentioned that this is not a problem in other cities and some other communities legalize B&Bs in certain sectors.
- Chair Roberson entertained a motion to create the formation of a new Permitted Interaction Group for this issue since there is a lot of information to research and learn about.

Anderson moved to form a new Permitted Interaction Group to work on specific efforts of Bed & Breakfast / Transient Accommodation issues with Councilmember Charles Djou; Fichtman seconded the motion. Pyles will Chair the PIG. Appointed members include: Anderson, Himeda and Fukuda. Discussion followed with clarification that the findings/recommendations of the investigations are brought before the Board. **The motion carried by unanimous consent, 7-0-0. Aye:** Anderson, Fichtman, Fukuda, Himeda, Digmon, Pyles, Roberson.

Pyles presented her views on the B&B issue and that she doesn't support Bill 6 and further feels that Bill 6 affects the people impacted and takes away any power to object. Pyles proposed a resolution to oppose Bill 6 (please refer to the end of the minutes for actual resolution).

Anderson moved to support Pyles' resolution to oppose Bill 6 proposed to legalize B&B homes and compel the DPP to enforce the laws against illegal TVRs and B&Bs and oppose the legalization of TVRs and B&Bs in Oahu's residential neighborhoods; Fukuda seconded the motion. The motion was ADOPTED, 7-0-0. Aye: Anderson, Digmon, Fichtman, Fukuda, Himeda, Pyles, Roberson.

Renaming Triangle Park to Operation Red Wing – Medal of Honor Winner Park – The sign is now up in the park and the ceremony to commemorate the park will be held in June 2009. The Naval Special Warfare unit will be attending this celebration.

NEW BUSINESS:

2009 Neighborhood Commission Elections Permitted Interaction Group recommendation regarding 2009 Neighborhood Board Elections – At this point, the elections will most likely be held online and there will be mail outs to remind registered voters to vote.

2009 Sony Open – Chair Roberson announced there will be a Sony Open held in January 2009.

Kamehameha Schools Ethno-Historical study of Kahala, Waiialae Nui, and Waiialae Iki – Kelley Lehuakeapuna Uyeoka and Mishalla Spearing reported:

- At the request of Kamehameha Schools, Cultural Surveys Hawaii Inc. (CSH) is conducting an ethno-historical study of Kahala, Waiialae Nui, and Waiialae Iki, Oahu.
- This study will gather cultural and historical information such as accounts, testimonies, legends, maps, pictures and documents that will help to document, preserve, and perpetuate the traditions associated with this ahupuaa and surrounding areas.
- The final report will help to inform appropriate land management strategies and provide new context to educational initiatives, and to build a more informed community with regards to the unique resources and traditions of this ahupuaa.
- Currently, CSH is soliciting interviews and talk story sessions and would like anyone willing to share information to contact them at 262-9972 or email kuyeoka@culturalsurveys.com or mspearing@culturalsurveys.com.
- The information from the surveys are not shared unless they decide to publish these results.

Update on Waiialae Bowl, Inc. – No update at this time.

TASK FORCE / COMMITTEE REPORTS:

OMPO Traffic – No report at this time.

Land Use & Zoning – City Council actions or pending hearings – No further information at this time.

CORRESPONDENCE AND ANNOUNCEMENTS:

Waiialae Kahala Neighborhood Board No. 3 mail or City Council notices – Vice Chair Anderson announced receiving the following correspondence:

- Conference of Chairs memorandum
- November 3, 2008 letter from Grant Tanimoto, Chair, Neighborhood Commission to Mr. Wayne Hashiro, Managing Director, City & County of Honolulu, requesting increase to NCO budget for 2009 neighborhood board election.
- November 10, 2008 letter from Mary Patricia Waterhouse, Director, Budget and Fiscal Services to Grant Tanimoto, Chair, Neighborhood Board Commission, denying increase to NCO budget for 2009 neighborhood board election.
- Board of Education October 2008 newsletter.

ADJOURNMENT: The meeting adjourned at 8:48 p.m.

Submitted by,

Ivy Yeung
Neighborhood Assistant

RESOLUTION OPPOSING BILL 6, LEGALIZING B&B HOMES

WHEREAS, in 1989, after extensive testimony was received, the City and County of Honolulu "grandfathered" (legalized) existing B&B homes and short term Transient Vacation Rentals (TVRs) subject to restrictions. The LUO was amended prohibiting, in all zoning districts, any new B&B homes and TVR's. The C&C moved to limit these non-conforming uses due to concern about their proliferation and impact on the character of residential neighborhoods; and

WHEREAS, there are an estimated 1,200 short-term vacation rental units being operated illegally on O'ahu. Due to pressures from illegal B&B and TVR operators making thousands of dollars in illicit income, the City Council has introduced, again, bills to legalize B&Bs; and

WHEREAS, in October, 2008, the Maui County Council's planning committee approved a plan to cap the number of legal bed and breakfasts (B&Bs) on the Valley Isle at 302. The cap is part of a bill to revamp the county's B&B ordinance. Mayor Charmaine Tavares and her administration have been cracking down on nonpermitted transient vacation rentals since taking office. She said the explosion of illegal transient vacation rentals during the prior administration had created a long-term rental housing shortage and damaged the quiet character of neighborhoods; and

WHEREAS, property owners who live next to or near B&B homes in Kailua, Lanikai, North Shore, Waimanalo, Waianae/Makaha have provided testimony repeatedly to the Planning Commission, the City Council Zoning Committee and the full City Council describing how their quality of life and the residential character of their neighborhood has been adversely impacted by this transient, non-conforming, lodging use; and

WHEREAS, the Planning Commission, after receiving extensive public testimony, in support and in opposition to Bill 6 (and 7), unanimously voted to recommend these Bills be rejected; and

WHEREAS, at least six shoreline community neighborhood boards to date have passed resolutions opposing the legalization of B&B homes and Bill 6 (and 7): Waiialae-Kahala (2005 Resolutions 05-186 & 05-157), Kuli'ou'ou-Kalani Iki, Waimanalo, Kailua-Lanikai, North Shore and Waianae-Makaha; and

WHEREAS, Bill 6 (and 7) denies conforming property owners (adjacent to or within sight and sound of applicant's property) the right to preserve and protect their quality of life, the residential character of their neighborhood and the value of their property; therefore

BE IT RESOLVED THAT Anderson moved, seconded by Fukuda that the Waiialae-Kahala Neighborhood Board No. 3 supports the following; and our legislators, Senator Sam Slom and Representatives Lyla Berg and Barbara Marumoto, as well as Councilmember Charles Djou, are hereby requested to draft and/or support the legislation compelling the DPP to enforce the laws against illegal TVRs and B&Bs and oppose the legalization of TVRs and B&Bs in O'ahu's residential neighborhoods.

Adopted by Waiialae-Kahala Neighborhood Board No. 3 at its regular meeting of November 20, 2008, by a vote of 7-0-0.