



**KAILUA NEIGHBORHOOD BOARD NO. 31**

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519 WANA'AO ROAD • KAILUA, HAWAII 96734  
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: [www.honolulu.gov/nco](http://www.honolulu.gov/nco)

**REGULAR MEETING AGENDA**  
**THURSDAY, JUNE 4, 2015, 7:00 p.m.**  
KAILUA RECREATION CENTER, 21 SOUTH KAINALU DRIVE

Olelo Broadcast: Third Saturday 6:00 p.m.; Second and Fourth Sunday 6:00 a.m.  
Visit: [www.honolulu.gov/nco](http://www.honolulu.gov/nco) for more information from the Kailua Neighborhood Board.

**I. CALL TO ORDER:** Chair Chuck Prentiss

**II. VACANCY: Subdistrict 2 – Enchanted Lake, Keolu Hills**

The Board may fill the vacancy in subdistrict 2 with any eligible resident of the district with an affirmative vote of 10 members. Term expires June 30, 2015.

**III. ANNOUNCEMENTS**

- A. Neighborhood Board Elections
- B. 69th Annual Kailua Fourth of July Parade: Saturday, July 4, 2015, 10:00 a.m. Theme: "Let Freedom Ring"
- C. Kailua Beach Fireworks: For status update and to donate, visit [www.kailuafireworks.net](http://www.kailuafireworks.net)

**IV. PUBLIC AGENCIES**

- A. Honolulu Fire Department
- B. Honolulu Police Department
- C. Marine Corps Base Hawaii
- D. Mayor Kirk Caldwell's Representative

**V. RESIDENT AND COMMUNITY CONCERNS – Three (3) minutes each**

Please sign in at meeting, or email Chair Chuck Prentiss at [prentissc001@hawaii.rr.com](mailto:prentissc001@hawaii.rr.com)

**VI. ELECTED OFFICIALS – Three (3) minutes each**

- A. Councilmember Ikaika Anderson
- B. Senator Jill Tokuda
- C. Senator Laura Thielen
- D. Representative Ken Ito
- E. Representative Cynthia Thielen
- F. Representative Chris Lee

**VII. PRESENTATION (10 minutes)**

- A. Renewal of existing antenna lease at Enchanted Lake Heights by Tamara Erickson, Crown Castle, Inc.

**VIII. BOARD MOTIONS**

**Motion 1:** The Kailua Neighborhood Board No. 31 requests the Department of Planning and Permitting (DPP) to investigate possible violations at the Kapaa Industrial Area on Kapaa Quarry Road, TMK 42015012. Possible violations include but are not limited to: rock stockpiling, rock crushing, grading, and pouring a cement slab with imbedded plumbing.

**Motion 2:** The Kailua Neighborhood Board No. 31 approves the following recommendations of the Kailua Neighborhood Board No. 31 Permitted Interaction Group (PIG) on enforcement of zoning laws regarding illegal Short-Term Rentals in Residential Zoning, and requests the DPP to enact the recommendations of the PIG on enforcement of zoning laws regarding illegal Short-Term Rentals in Residential Zoning as follows:

- The DPP issues violation notices, in these civil cases, based upon the "preponderance of the evidence" standard. Instead of requiring inspectors to "catch violators in the act," issue a violation once there is a greater than 50 percent chance that the violation is true. (Even in criminal cases, where the much higher

“beyond a reasonable doubt” standard applies, a criminal does not need to be caught in the act of committing a crime).

- The DPP adopt proactive enforcement policies and not rely solely on complaints. Require NUC numbers on all advertisements. Solicit “bookings” from rentals where advertisements show rentals that are being offered for periods of less than 30 days (e.g., they offer daily/weekly rates and minimum stays of less than 30 days). These advertisements present prima facie evidence of a violation. Long-term rentals that are in keeping with the intent of the law would not advertise as such.
- That DPP inspectors assemble various forms of evidence such as neighbors’ statements, website short-term rental advertisements, rental car records, pictures, videos and solicitations and correspondence from the property owners or representatives to reach the appropriate “preponderance of evidence” burden of proof and not strictly rely on confessions from property guests or property owners.
- That DPP inspectors be trained on how to use modern investigative techniques, including searching web advertisements, tracking rental car transactions and interviewing neighbors and potential observers of short-term rental activities. This could include “sting operations.”
- The DPP create written procedures for inspectors to follow. These would include worksheets, a checklist, and written statement forms for owner/agents, vacation rental guests and neighbors/observers of the alleged illegal short-term rental. All statements should be signed, dated and include contact information for follow up interviews.
- The DPP prosecute illegal rental activities as a “continuing” violation and not as a single, isolated infraction.
- The DPP keep all Notice of Orders “open” for a two-year period. If there is a violation during the open period, maximum daily fines should be mandated from date the original Notice of Order was issued.
- The DPP prosecute violators with punitive consequences and issue the maximum fine allowed. The DPP should not be authorized to negotiate a reduction of the fine under any circumstances.
- The DPP initiate foreclosure procedures on the offending property if accumulated fines remain unpaid for a specified period.
- The City and Hawaii Tourism Authority (HTA) encourage visitors to seek validation of properly permitted accommodations and avoid staying in illegal vacation rentals located in residentially zoned neighborhoods.
- The DPP post all Notices of Violations and Notice of Orders related to such violations on the City & County website.
- All fines, collected from violations and foreclosures, to be used for enforcement of the county’s short-term vacation rental ordinances.

**IX. APPROVAL OF MINUTES:** Minutes of May 7, 2015

**X. COMMITTEE REPORTS**

- A. Parks and Recreation Committee - Chair, Jon Chinen**
- B. Transportation and Public Works - Chair, William Hicks**
- C. Public Safety, Public Health, and Civil Defense (PHPSCD) - Chair, Claudine Tomasa**
- D. Government and Community Services - Chair, Matthew Darnell**
- E. Planning, Zoning & Environment - Chair, Donna Wong**
- F. Treasurer's Report: Claudine Tomasa**
- G. Chair’s Report:**

1. The July 2015 Kailua Neighborhood Board No. 31 Board meeting will begin with the election of officers for the new fiscal year.
2. Committee agendas due to Chair by Sunday, June 21, 2015.

**XI. ADJOURNMENT**

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**A.** A mailing list is maintained for interested persons and agencies to receive the Board's agenda and minutes. Additions, corrections, and deletions to the mailing list may be directed to the Neighborhood Commission Office, Honolulu Hale, 530 South King Street, Honolulu, HI 96813; Telephone (808) 768-3710 or FAX (808) 768-3711; call Neighborhood Assistant Uyen Vong 768-3781 or e-mail [uvong@honolulu.gov](mailto:uvong@honolulu.gov). Agendas and minutes are also available online at <http://www.honolulu.gov/nco>;

**B.** Any individual wishing to attend a Neighborhood Board meeting who has questions about accommodations for a physical disability or special physical need should call the NCO at 768-3710 between 8:00 a.m. and 4:00 p.m. at least 24-hours before the scheduled meeting.

June 2015 Committee Meeting Agendas

**PUBLIC SAFETY, PUBLIC HEALTH, AND CIVIL DEFENSE (PHPSCD) COMMITTEE:**

Recess in June 2015. Chair: Claudine Tomasa, [ctomasa@gmail.com](mailto:ctomasa@gmail.com). Cell 783-5396. PHPSCD Members: Bill Hicks, Gary Weller, Malina Kaulukukui.

**TRANSPORTATION AND PUBLIC WORKS COMMITTEE:**

Recess in June 2015. Bill Hicks, Chair. [hicksw001@hawaii.rr.com](mailto:hicksw001@hawaii.rr.com). Members: Tony Locricchio, Claudine Tomasa, and Gary Weller.

**GOVERNMENT AND COMMUNITY SERVICES COMMITTEE:**

Recess in June 2015. Matthew Darnell, Chair. Members: Jon Chinen, Tim Freeman.

**PLANNING, ZONING AND ENVIRONMENT COMMITTEE:**

Third Tuesday, June 16, 2015, Kalama Beach Park, 7:00 p.m. to 9:00 p.m. Donna Wong, Chair. Members: Larry Bartley, Douglas Dudevoir, Gary Weller, Chuck Prentiss, Levani Lipton, Vern Hinsvark. Ex-officio (non-voting): Stann Reiziss.

1. Call to order
2. Approval of Minutes
3. Koolaupoko Sustainable Communities Plan Revision
4. Conservation District Use Application (CDUA) 1711 Kanapu`u Drive
5. General Plan 2011 Update
6. Kawainui-Hamakua Marsh Complex Master Plan
7. Kapa`a Industrial Park
8. Short-term Vacation Rentals
9. Accessory Dwelling Units
10. Aikahi Sewage Treatment Plant
11. New Business
12. Adjournment

**PARKS & RECREATION COMMITTEE:**

Third Thursday, June 18, 2015, 7:00 p.m. at Kailua Recreation Center, Arts & Crafts Room.

Jon Chinen, Chair [chinenjon@yahoo.com](mailto:chinenjon@yahoo.com), Cell: 753-6783. Members: Larry Bartley, Tim Freeman.

1. Call to Order
2. Approval of Minutes
3. Neighborhood Concerns & Presentations
4. Correspondence
5. Continuing Items
  - A. Enforcement of commercial activities in parks
  - B. Lanikai Pillbox trail concerns
  - C. Kailua Beach Park comfort station
  - D. Bill 58 (2014) – Adopt-a-Park Program
  - E. Kalama Beach Park parking lot hours
  - F. Bill 8 (2015) – Commercial activities at Waimanalo parks
  - G. Bill 9 (2015) – Prohibiting anyone convicted of drug trafficking or distribution from entering a park
  - H. Dog Park – Girl Scouts Project
  - I. Kaapuni beach access
  - J. Maunawili Falls Trail
6. New Business
7. Announcements
8. Adjournment

**EXECUTIVE COMMITTEE:** Recess in June 2015. Board Officers.