CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3065

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MEMORANDUM

DATE: June 10, 2021

TO: GAIL UEHARA, COMMITTEE AIDE
Zoning and Planning Committee

FROM: COUNCILMEMBER BRANDON ELEFANTE, CHAIR
Zoning and Planning Committee

SUBJECT: DRAFT COMMITTEE REPORT AND PROPOSED CHARTER AMENDMENT RESOLUTION RELATING TO THE REVIEW AND EVALUATION OF THE PLANNING COMMISSION

Transmitted herewith for placement on the upcoming Zoning and Planning Committee agenda is a draft committee report and proposed Charter amendment resolution relating to the Committee's review and evaluation of the Planning Commission pursuant to ROH Chapter 3, Article 15 (Ordinance 17-44). This transmittal is intended as a replacement for CC-145 (2021).

Please number this communication and upload it to HNLDOC.

Attachments

COUNCIL COM. 240

ZP

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:
Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

Committee Meeting Held
_____, 2021

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred the review and evaluation of the Planning Commission pursuant to Ordinance 17-44 (codified as ROH Chapter 3, Article 15), reports as follows:

The purpose of the review and evaluation is to determine whether the provisions of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition) (the "Charter") establishing the Planning Commission should be retained, amended, or repealed. Ordinance 17-44 implements Charter Section 13-103.2, which mandates the periodic review and evaluation of certain City boards and commissions as provided by ordinance.

The Planning Commission was established by Charter Sections 6-1505 and 6-1506, and has the following powers, duties, and functions:

1. Advise the Mayor, the Council, and the Director of Planning on matters concerning the planning programs.

2. Hold public hearings and make recommendations on all proposals to adopt or amend the General Plan, Development Plans, and zoning ordinances.

3. Perform such other related duties as may be necessary to fulfill its responsibilities under this Charter or as may be assigned by the Mayor or the Council.

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:
Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

The Planning Commission consists of nine members, appointed by the Mayor and confirmed by the Council to staggered five-year terms pursuant to Charter Section 13-103.

By Departmental Communication 178 (2021), dated March 11, 2021, the Planning Commission submitted to the Council an updated report on its accomplishments and activities, as required by Ordinance 17-44 (ROH Section 3-15.4).

At your Committee's meeting on March 4, 2021, your Committee considered a prior version of the Planning Commission's report on its accomplishments and activities. The Acting Chair of the Planning Commission testified in support the Commission's recommendation that Charter provisions establishing the Commission be retained without change. The Commission's Acting Chair requested that vacancies on the Commission be expeditiously filled, and that candidates be screened to ensure they understand the time commitment involved in serving on the Commission, and are committed to attending Commission meetings.

The Director of Planning and Permitting, the agency to which the Planning Commission is administratively attached, testified in support of the Commission.

Your Committee received no oral or written public testimony on the Planning Commission.

Your Committee Chair discussed the possibility of including certain qualifications for Planning Commission members.

Your Committee postponed action on the matter.

At your Committee's meeting on April 22, 2021, your Committee considered Council Communication 145 (2021), relating to a draft committee report and proposed Charter amendment regarding the Planning Commission (the "Proposal"), and also considered the Planning Commission's updated report (D-178 (2021)).

The Sierra Club and the Office of Hawaiian Affairs testified in support of the Proposal. Your Committee received written testimony in support of the Proposal from the Office of Hawaiian Affairs and one individual. One individual submitted comments on the Proposal.

Your Committee again postponed action on the matter.

Your Committee, after due consideration, makes the following finding:

- The nature of the proposals that are reviewed by the Planning Commission requires its members to have a certain level of knowledge and expertise in the areas of land use planning, development, and preservation.

Based on the foregoing, your Committee makes the following recommendations:

- To ensure that Planning Commission members come from a variety of backgrounds and have representative land use knowledge and expertise, your Committee recommends certain amendments to Charter Section 6-1505 to set forth qualifications for Planning Commission members, including substantial experience or expertise in certain land use disciplines that would be divided among the Planning Commission members. These disciplines include:

a. Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;

b. Land use planning, policies, and principles;

c. Land development and construction; and

d. Climate change and sea level rise causes, effects, and solutions, or environmental protection and preservation.

A draft resolution for a Charter amendment implementing your Committee's recommendations is attached hereto.

Your Committee on Zoning and Planning recommends that this Committee Report be scheduled for a public hearing and be adopted by the Council as the Council's determination on the review and evaluation of the Planning Commission (Ayes: _____; Ayes with Reservations: _____; Noes: _____; Excused: _____.)

Respectfully submitted,

_____
Committee Chair

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

INITIATING AMENDMENTS TO THE REVISED CHARTER OF THE CITY AND COUNTY OF HONOLULU 1973 (AMENDED 2017 EDITION), RELATING TO THE PLANNING COMMISSION.

WHEREAS, Section 6-1505 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition) ("Charter") establishes a nine-member Planning Commission ("Commission") of the City and County of Honolulu ("City"); and

WHEREAS, the Commission members are appointed by the Mayor and confirmed by the Council to staggered five-year terms pursuant to Charter Section 13-103; and

WHEREAS, Charter Section 6-1506 sets forth the powers, duties, and functions of the Commission; and

WHEREAS, the Charter currently establishes no qualifications for Planning Commission members other than the general requirement of Charter Section 13-103.1(a) that members must be duly registered voters of the City; and

WHEREAS, the proposals that are reviewed by the Planning Commission often involve issues in the areas of land use planning, development, and preservation, and the Council believes that having Commission members with certain levels of knowledge and expertise in these areas would be of great benefit to the Commission in its deliberations; and

WHEREAS, the Council therefore believes that amendments should be made to Charter Section 6-1505 to set forth additional qualifications for at least some Planning Commission members, so that these members would have substantial experience or expertise in varying areas of the land use planning and development process; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu:

1. That the following question be placed on the 2022 general election ballot:

   "Shall the Revised City Charter be amended to require that the Planning Commission have at least one member with substantial experience or expertise in one of the following categories of disciplines, that each of the categories be represented by a different member, and that all of the categories be represented on the commission:

a. Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;

b. Land use planning, policies, and principles;

c. Land development and construction; and

d. Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation."

2. That Section 6-1005 of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition) be amended to read as follows:

"Section 6-1505. Planning Commission –

There shall be a planning commission [~~which~~] that shall consist of nine members. The commission shall be governed by the provisions of Section 13-103 of this charter. The department of planning and permitting shall provide staff support to assist the commission in carrying out its duties. At least one member of the commission must have substantial experience or expertise in one of the following categories of disciplines, each of the categories must be represented by a different member, and all of the categories must be represented on the commission:

(a) Native Hawaiian traditional and customary practices, native Hawaiian law, or traditional Hawaiian land usage;

(b) Land use planning, policies, and principles;

(c) Land development and construction; and

(d) Climate change and sea level rise causes, effects, and solutions; or environmental protection and preservation."

3. That in Section 2, Charter material to be repealed is bracketed and stricken, and new Charter material is underscored. When revising, compiling, or printing these Charter provisions for inclusion in the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), the Revisor of the Charter need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

4. That if these Charter provisions are amended by any other Charter amendment approved by the electors in the 2022 general election, the Revisor of the Charter, in revising, compiling, or printing the Charter:

   a. May designate or redesignate articles, chapters, sections, or parts of sections, and rearrange references thereto; and

   b. Shall, except as otherwise expressly provided in this resolution or in the other resolution(s) amending these Charter provisions, give effect, to the extent possible, to all of the amendments approved.

   The Revisor of the Charter may also change capitalization or the forms of numbers and monetary sums for the sake of uniformity.

5. That upon adoption of this resolution by the Council, the City Clerk is directed:

   a. To prepare the necessary ballots with the question contained in this resolution and with spaces for "yes" and "no" votes on the question for presentation to the electors at the 2022 general election. The City Clerk may make technical and nonsubstantive changes to the form of the question presented in order to conform it to the form of other Charter amendment questions presented to the electors at the same election; and

   b. To publish the above-proposed Charter amendments at length in a daily newspaper of general circulation in the City and County of Honolulu at least 45 days prior to their submission to the electors at the 2022 general election.

RESOLUTION

6. That upon approval of the Charter amendment question posed in this resolution by a majority of the electors voting thereon, as duly certified, the Charter amendments proposed in this resolution take effect on January 1, 2023.

INTRODUCED BY:

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DATE OF INTRODUCTION:

_____
Honolulu, Hawaii

_____
Councilmembers