REPORT OF THE COMMITTEE ON PLANNING, INFRASTRUCTURE & TRANSPORTATION

Voting Members:
Radiant Cordero, Chair; Val A. Okimoto, Vice-Chair;
Tyler Dos Santos-Tam, Andria Tupola, Matt Weyer

Committee Meeting Held
January 16, 2025

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

Mr. Chair:

Your Committee on Planning, Infrastructure & Transportation, to which was referred Bill 56 (2024) entitled:

"A BILL FOR AN ORDINANCE RELATING TO THE USE OF MALLS,"

which passed Second Reading and was the subject of a public hearing held at the November 7, 2024, Council meeting, reports as follows:

The purpose of the Bill is to transfer the authority to control and coordinate the permitted usage of Fort Street Mall and Union Mall from the Department of Parks and Recreation ("DPR") to the Department of Transportation Services ("DTS").

Your Committee on Transportation, at its meeting on November 19, 2024, postponed action on the Bill to allow more time to work on improving the measure, by proposing certain amendments to address the concerns.

At your Committee's meeting on January 16, 2025, the Director of Transportation Services testified in support of the Bill and the proposed posted CD1. The Director commented that he is working with DPR on a memorandum of agreement for DPR to continue to maintain the malls.

ADOPTED ON JAN 29 2025

COMMITTEE REPORT NO. 17

Your Committee prepared a CD1 version that makes the following amendment(s):

A. Inserts a new SECTION 2 to amend ROH Section 13-4.1 by amending the definition of "Enforcement officer" for purposes of litter control citation authority granted to the Department of Parks and Recreation to also include the Department of Transportation Services. Renumbers the subsequent section.

B. Amends SECTION 3 (formerly SECTION 2) of the bill to propose that the Department of Transportation Services control and coordinate permitted usage over seven "Downtown malls", extending beyond the original proposal, which included only Fort Street Mall and Union Mall.

C. Amends SECTION 4 of the bill by adding five new malls and the collective term "Downtown malls" to the definitions used in ROH Chapter 13, Article 10.

D. Relocates and amends former SECTION 3 (renumbered as SECTION 5) of the bill by amending the definition of "Department" for purposes of administrative permitting to mean the Department of Transportation Services with respect to Downtown malls in addition to Fort Street Mall and Union Mall.

E. Makes miscellaneous technical and nonsubstantive amendments.

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Voting Members:
Radiant Cordero, Chair; Val A. Okimoto, Vice-Chair;
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Your Committee on Planning, Infrastructure & Transportation is in accord with the intent and purpose of Bill 56 (2024), as amended herein, and recommends that it pass Third Reading in the form attached hereto as Bill 56 (2024), CD1. (Ayes: Cordero, Dos Santos-Tam, Okimoto, Tupola, – 5; Weyer – Absent; Noes: None.)

Respectfully submitted,

Committee Chair

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON JAN 29 2025

COMMITTEE REPORT NO. 17

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **56 (2024), CD1**

A BILL FOR AN ORDINANCE

RELATING TO THE USE OF MALLS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the use of pedestrian malls.

SECTION 2. Section 13-4.1, Revised Ordinances of Honolulu 2021, is amended by amending the definition of "Enforcement Officer" to read as follows:

"Enforcement Officer. Any individual designated by the department of planning and permitting, the department of transportation services, or the department of parks and recreation to issue citations to enforce this article, and any police officer of the Honolulu police department."

SECTION 3. Section 13-10.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 13-10.1 Declaration of intent.

The council finds that:

(1) Indiscriminate and uncontrolled use of malls by individuals, commercial establishments fronting malls, and other organizations and deterioration of the aesthetic aspects of malls are detrimental to the public interest;

(2) The department of parks and recreation is able to provide effective control and coordination of [~~permittees' use~~] permitted usage of malls, and to preserve or upgrade the aesthetic aspects of malls; the council therefore delegates to the department of parks and recreation the authority to control and coordinate [~~permittees' use~~] permitted usage of malls, except for Downtown malls, in accordance with the terms of this article. The department may post signs to prohibit skateboarding and other activities regulated under § 10-1.2 when necessary for the protection and preservations of malls and facilities thereon, or the health, safety, and welfare of persons or property; and

(3) The department of transportation services is able to provide effective control and coordination of vehicular traffic on malls; the council therefore delegates to the department of transportation services the authority to control and coordinate vehicular traffic on malls[~~.~~]; provided that for Downtown malls, the council further delegates to the department of transportation services the authority to control and coordinate permitted

usage of those malls."

SECTION 4. Section 13-10.2, Revised Ordinances of Honolulu 2021, is amended by adding new definitions of "College Walk Mall," "Downtown Malls," "Fort Street Mall," "Kauluwela Mall," "Kekaulike Mall," "Kila Kalikimaka Mall," "Sun Yat Sen Mall," and "Union Mall" to read as follows:

"***College Walk Mall***. The mall as defined in § 13-1.1."

"***Downtown Malls***. Means collectively the College Walk Mall, Fort Street Mall, Kauluwela Mall, Kekaulike Mall, Kila Kalikimaka Mall, Sun Yat Sen Mall, and Union Mall."

"***Fort Street Mall***. The mall established pursuant to § 15-25.1(b)."

"***Kauluwela Mall***. The parcel designated by TMK 1-7-023:033."

"***Kekaulike Mall***. The area as described in § 13-15B.1(d)."

"***Kila Kalikimaka Mall***. The area as described in § 13-15B.1(d)."

"***Sun Yat Sen Mall***. The mall as defined in § 13-1.1."

"***Union Mall***. The mall established pursuant to § 15-25.1(a)."

SECTION 5. Section 13-10.2, Revised Ordinances of Honolulu 2021, is amended by amending the definition of "Department" to read as follows:

"***Department***. The department of parks and recreation, unless the context otherwise requires[.]; provided that for Downtown malls, Fort Street Mall, and Union Mall, the term "department" means the department of transportation services."

SECTION 6. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

A BILL FOR AN ORDINANCE

SECTION 7. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tyler Dos Santos-Tam

DATE OF INTRODUCTION:

October 3, 2024
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____day of _____, 20 ___.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:
Malls; College Walk Mall; Downtown Malls; Fort Street Mall; Kauluwela Mall; Kekaulike Mall; Kila Kalikimaka Mall; Sun Yat Sen Mall; Union Mall; Department of Parks and Recreation ("DPR"); Department of Transportation Services ("DTS")

Description:
Provides that the Department of Transportation Services, instead of the Department of Parks and Recreation, shall control and coordinate the use of several pedestrian malls located in downtown Honolulu.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.