HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

COMMITTEE ON PLANNING, INFRASTRUCTURE & TRANSPORTATION

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

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
WEDNESDAY, FEBRUARY 12, 2025
9:00 A.M.

Pursuant to Section 92-3.7, Hawai‘i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

The meeting will be viewable: (1) by internet live streaming through https://www.honolulucitycouncil.org/meetings; (2) by televised live broadcast on ‘Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at https://www.honolulucitycouncil.org/meetings. Copies of older meeting videos may be requested by calling the City Clerk’s Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

As both English and Hawaiian are official languages of the State of Hawai‘i, pursuant to Article XV, Section 4 of the Hawai‘i State Constitution and Section 1-13 of the Hawai‘i Revised Statutes, members of the public may testify in either language. For oral testimonies offered in ‘Ōlelo Hawai‘i, additional time as may be necessary will be allowed for the testifier to provide an English translation of their testimony.

Committee on Planning, Infrastructure & Transportation Agenda
Wednesday, February 12, 2025

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID **83319820417** and Passcode **393879**.

2. To testify by videoconference visit: https://hnldoc.ehawaii.gov/hnldoc/testimony. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Persons wishing to testify in-person in the Council Chamber are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

Written testimony may be uploaded at https://hnldoc.ehawaii.gov/hnldoc/testimony or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, email address, and phone number, will be available to the public at https://hnldoc.ehawaii.gov.

Should you have any questions, please call (808) 768-3816 or send an email to kiana.pascual@honolulu.gov.

Meeting materials are accessible at https://hnldoc.ehawaii.gov/hnldoc/browse/agendas by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to kiana.pascual@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **BILL 61 (2024) – RELATING TO WHEELIES.** Amending Chapter 15, Article 24, of the Revised Ordinances of Honolulu 2021, to address the performance of stunts or "wheelies" on public roadways. (Bill passed first reading on 12/11/24; Committee postponed action on 1/16/25)

2. **BILL 50 (2024) – RELATING TO PARADES, STREET FESTIVALS, AND OTHER ACTIVITIES.** Amending existing ordinances in Chapter 15 of the Revised Ordinances of Honolulu 2021 related to activities that require the exclusive use of streets, including parades, street festivals, and other endeavors, including those in Waikīkī. (Bill passed second reading and public hearing held on 10/9/24; TRANS amended bill to CD1 and postponed action 11/19/24)

   CD1 TO BILL 50 (2024) (Approved by TRANS at its November 19, 2024 meeting) – The CD1 (OCS2024-0996/11/14/2024 2:27 PM) makes the following amendments:

   A. In SECTION 3 of the bill, amends ROH § 15-24.20(a), relating to definitions, to:

      1. Add a definition of "Applicant" to mean the applicant for a street activity permit;

      2. Combine the definitions of "Expressive Activity" and "First Amendment" by establishing the term "First Amendment Street Activity" to mean a street activity that is protected under the First Amendment of the U.S. Constitution;

      3. Add a definition of "Force Majeure Event" to mean a natural or man-made event that is not able to be reasonably foreseen and is completely beyond the control of the parties involved, including natural disasters (fire, storms, floods), governmental or societal actions (war, invasion, civil unrest, labor strikes), and infrastructure failures (transportation, energy);

      4. Delete the definitions of "Liquor Controlled Area" and "Nonprofit Organization".

      5. Replace the term "Activity" with the term "Street Activity" and use the term "Street Activity" throughout the bill;

6. Amend the definition of "Waikiki Legacy Street Activity" to provide that to maintain legacy status, the street activity must be held every calendar year after attaining legacy status; provided that the director may waive this requirement if a force majeure event does not allow for the holding of safe and appropriate street activity (for example, no street activities were held during the COVID pandemic).

B. In SECTION 3 of the bill, amends ROH § 15-24.20(d) to amend the subsection heading to read: *Requirements prior to the issuance of a street activity permit*; and to:

1. Amend subdivision (1), relating to public purpose, to:

a. Provide that all street activities must serve a public purpose;

b. Separate subdivision (1) into two paragraphs:

i. In paragraph (A), provide that a First Amendment street activity is deemed to serve a public purpose;

ii. In paragraph (B), provide that a non-First Amendment street activity serves a public purpose so long as any private benefit arising out of the street activity is incidental to the public benefit to the community as a whole arising out of the street activity; and

iii. Delete former paragraph (B), which required the applicant to either be a nonprofit organization, or donate a percentage of the net profits to the Waikiki Business Improvement District or the Waikiki Beach Special Improvement District Association.

2. Amend the heading for subdivision (3) to read: *Non-First Amendment street activities*; and to:

a. Amend the heading for paragraph (A) to read: *Street activities outside of the Waikiki Special District*;

b. Amend the heading for paragraph (B) to read: *Street activities in the Waikiki Special District*;

i. Add a heading for subparagraph (i) to read: *Street activity permit applications*;

ii. Amend subparagraph (ii) to add a heading to read: *Maximum number of street activity permits issued*;

iii Add a new subparagraph (iii) with a heading to read: *Waikiki street* festivals, to provide that for street festivals in the Waikiki Special District, including Waikiki legacy street festivals, the director may approve a maximum of two permits per triannual period (four-month period) of the calendar year, based on the date the street festival will be held (this would have the effect of spacing out the street festivals over the calendar year); renumber subsequent paragraphs;

iv. Add a heading for renumbered subparagraph (iv) to read: *Waikiki legacy street activities*;

v. Delete former subparagraph (iv), relating to permits for Waikiki legacy street festivals (see the limitations on Waikiki street activities, including Waikiki legacy street festivals incorporated in subparagraph (ii)). Renumber subsequent subparagraphs;

vi. Amend renumbered subparagraph (iv) to:

AA. Add a heading to read: *Restrictions on dates street activities may be held*;

BB. Reformat the subparagraph into clauses;

c. Amend the heading for paragraph (C) to read: *Review of a street activity permit application by the chief of police*;

d. Delete proposed paragraph (D), *Administrative cost recovery for multiple applications.*

3. Amend subdivision (4) to provide that any street activity permit conditions imposed by the director must be included in the street activity permit and must not unduly restrict the ability of a street activity participant to engage in First Amendment street activity. Also requires the applicant to comply with all conditions imposed by the director.

4. Amend subdivision (6) to provide that for street activities serving alcoholic beverages, the Applicant is required to obtain an appropriate liquor license from the Honolulu Liquor Commission (deletes the requirement that the Applicant provide for and implement a liquor controlled area).

C. In SECTION 3 of the bill, amends ROH § 15-24.20(e) to amend the subsection heading to read: *Requirements after the issuance of a street activity permit*; and to:

1. Add a heading to subdivision (1) to read: *Compliance with applicable rules*;

2. Delete former subdivision (2), which is duplicative of ROH § 15-24.20(d)(4). Renumber subsequent subdivisions;

3. Add a heading to renumbered subdivision (2) to read: *Requirements after the conclusion of a street activity*; and

a. Amend paragraph (A) to delete reference to December 31, 2019 (which was the date the existing ordinance amendments were enacted and is now obsolete);

b. Amend paragraph (B) to delete reference to December 31, 2019 (which was the date the existing ordinance amendments were enacted and is now obsolete);

D. In SECTION 3 of the bill, amends ROH § 15-24.20(f) to amend the subsection heading to read: *Denial, revocation, or termination of a street activity permit*, and to:

1. Amend the heading to subdivision (1) to read: *Denial of a street activity permit*;

a. Move to paragraph (B) former ROH § 15-24.20(f)(3), relating to the director's discretion to hold a hearing prior to the denial of an application for a street activity permit;

b. Move to paragraph (C) former ROH § 15-24.20(f)(4), relating to a waiver for a Waikiki street activity that is denied a street activity permit solely due to the limitation on the number of street activity permits in the Waikiki special district;

i. Amend subparagraph (iv) to add a heading to read: *Maximum number of waivers granted*; and

ii. Amend subparagraph (iv) to provide that the mayor may grant a maximum of four waivers for street activities in the Waikiki special district per calendar year; provided that the mayor may grant only one waiver per quarterly period (three-month period) of the calendar year, based on the date the street activity will be held; provided that the actual number of waivers for street activities in the Waikiki special district may vary as follows:

aa. For every Waikiki legacy street activity that obtains legacy status after the effective date of the ordinance, the number of available waivers during the calendar year will decrease by one;

bb. For every Waikiki legacy street activity that loses legacy status after the effective date of the ordinance, the number of available waivers during the calendar year will increase by one; provided that the total number of waivers per calendar year may not exceed four; and

cc. At such time that the number of waivers available during the calendar year is exhausted by the addition of Waikiki legacy street activities that obtain legacy status after the effective date of the ordinance, no waivers may be granted by the mayor, unless and until waivers become available due to the subsequent loss of legacy status by a Waikiki legacy street activity.

2. Amend the heading to subdivision (2) to read: *Revocation of a street activity permit*; and to:

    a. Add a paragraph (B) to provide that a permittee whose street activity permit has been revoked may pursue any remedy provided by law;

3. Add a new subdivision (3) with a new heading to read: *Termination of a street activity permit*; and to:

    a. Add a paragraph (B) to provide that a permittee whose street activity permit has been terminated may pursue any remedy provided by law;

E. In SECTION 3 of the bill, amends ROH § 15-24.20(g) to separate the subsection into subdivisions relating to the adoption of rules, permit denial hearings, and including a list of Waikiki legacy street activities on the department's website.

F. In SECTION 4 of the bill, adds direction to the Revisor of Ordinances that in SECTION 3 of the ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH § 1-16.3(b)(1), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of the ordinance with the actual date on which the ordinance takes effect.

G. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO BILL 50 (2024) (Submitted by Council Chair Waters) – The CD1 (OCS2025-0021/1/8/2025 3:31 PM) makes the following amendments:

A. In SECTION 3 of the bill, amends ROH § 15-24.20(a), relating to definitions, to:

1. Clarify the definition of "Agency" to mean any federal, State, or city agency that reviews a street activity permit application upon the request of the director, to assist the director in determining whether to issue the permit.

2. Add a definition of "Applicant" to mean the applicant for a street activity permit;

3. Combine the definitions of "Expressive Activity" and "First Amendment" by establishing the term "First Amendment Street Activity" to mean a street activity that involves speech or conduct protected under the First Amendment of the U.S. Constitution;

4. Add a definition of "Force Majeure Event" to mean a natural or man-made event that is not able to be reasonably foreseen and is completely beyond the control of the parties involved, including natural disasters (fire, storms, floods), governmental or societal actions (war, invasion, civil unrest, labor strikes), and infrastructure failures (transportation, energy);

5. Delete the definitions of "Liquor Controlled Area" and "Nonprofit Organization".

6. Amend the definition of "Street" to include malls, as defined in § 13-1.1, for which the DTS has authority regarding permitted usage.

7. Replace the term "Activity" with the term "Street Activity" and use the term "Street Activity" throughout the bill;

8. Amend the definition of "Waikiki Legacy Street Activity" to provide that to maintain legacy status, the street activity must be held every calendar year after attaining legacy status; provided that the director may waive this requirement if a force majeure event does not allow for the holding of safe and appropriate street activity (for example, no street activities were held during the COVID pandemic).

B. In SECTION 3 of the bill, amends ROH § 15-24.20(d) to amend the subsection heading to read: *Requirements prior to the issuance of a street activity permit*; and to:

1. Amend subdivision (1), relating to public purpose, to:

a. Provide that all street activities must serve a public purpose;

b. Separate subdivision (1) into two paragraphs:

i. In paragraph (A), provide that a First Amendment street activity is deemed to serve a public purpose;

ii. In paragraph (B), provide that a non-First Amendment street activity serves a public purpose so long as any private benefit arising out of the street activity is incidental to the public benefit to the community as a whole arising out of the street activity; and

iii. Delete former paragraph (B), which required the applicant to either be a nonprofit organization, or donate a percentage of the net profits to the Waikiki Business Improvement District or the Waikiki Beach Special Improvement District Association.

2. Amend the heading for subdivision (3) to read: *Non-First Amendment street activities*; and to:

a. Amend the heading for paragraph (A) to read: *Street activities outside of the Waikiki Special District*;

b. Amend the heading for paragraph (B) to read: *Street activities in the Waikiki Special District*;

i. Add a heading for subparagraph (i) to read: *Street activity permit applications*;

ii. Amend subparagraph (ii) to add a heading to read: *Maximum number of street activity permits issued*;

iii Add a new subparagraph (iii) with a heading to read: *Waikiki street* festivals, to provide that for street festivals in the Waikiki Special District, including Waikiki legacy street festivals, the director may approve a maximum of two permits per triannual period (four-month period) of the calendar year, based on the date the street festival will be held (this would have the effect of spacing out the street festivals over the calendar year); renumber subsequent paragraphs;

iv. Add a heading for renumbered subparagraph (iv) to read: *Waikiki legacy street activities*;

v. Delete former subparagraph (iv), relating to permits for Waikiki legacy street festivals (see the limitations on Waikiki street activities, including Waikiki legacy street festivals incorporated in subparagraph (ii)). Renumber subsequent subparagraphs;

vi. Amend renumbered subparagraph (iv) to:

AA. Add a heading to read: *Restrictions on dates street activities may be held*;

BB. Reformat the subparagraph into clauses;

c. Amend the heading for paragraph (C) to read: *Review of a street activity permit application by the chief of police*;

d. Delete proposed paragraph (D), *Administrative cost recovery for multiple applications.*

3. Amend subdivision (4) to provide that any street activity permit conditions imposed by the director must be included in the street activity permit and must not unduly restrict the ability of a street activity participant to engage in First Amendment street activity. Also requires the applicant to comply with all conditions imposed by the director.

4. Amend subdivision (6) to provide that for street activities serving alcoholic beverages, the Applicant is required to <u>obtain an appropriate liquor license from the Honolulu Liquor Commission</u> (deletes the requirement that the Applicant provide for and implement a liquor controlled area).

C. In SECTION 3 of the bill, amends ROH § 15-24.20(e) to amend the subsection heading to read: *Requirements after the issuance of a street activity permit*; and to:

1. Add a heading to subdivision (1) to read: *Compliance with applicable rules*;

2. Delete former subdivision (2), which is duplicative of ROH § 15-24.20(d)(4). Renumber subsequent subdivisions;

3. Add a heading to renumbered subdivision (2) to read: *Requirements after the conclusion of a street activity*; and

    a. Amend paragraph (A) to delete reference to December 31, 2019 (which was the date the existing ordinance amendments were enacted and is now obsolete);

    b. Amend paragraph (B) to delete reference to December 31, 2019 (which was the date the existing ordinance amendments were enacted and is now obsolete);

D. In SECTION 3 of the bill, amends ROH § 15-24.20(f) to amend the subsection heading to read: *Denial, revocation, or termination of a street activity permit*, and to:

1. Amend the heading to subdivision (1) to read: *Denial of a street activity permit*;

    a. Move to paragraph (B) former ROH § 15-24.20(f)(3), relating to the director's discretion to hold a hearing prior to the denial of an application for a street activity permit;

    b. Move to paragraph (C) former ROH § 15-24.20(f)(4), relating to a waiver for a Waikiki street activity that is denied a street activity permit solely due to the limitation on the number of street activity permits in the Waikiki special district;

        i. Amend subparagraph (iv) to add a heading to read: *Maximum number of waivers granted*; and

        ii. Amend subparagraph (iv) to provide that the mayor may grant a maximum of four waivers for street activities in the Waikiki special district per calendar year; provided that the mayor may grant only one waiver per quarterly period (three-month period) of the calendar year, based on the date the street activity will be held; provided that the actual number of waivers for street activities in the Waikiki special district may vary as follows:

            aa. For every Waikiki legacy street activity that obtains legacy status after the effective date of the ordinance, the number of available waivers during the calendar year will decrease by one;

bb. For every Waikiki legacy street activity that loses legacy status after the effective date of the ordinance, the number of available waivers during the calendar year will increase by one; provided that the total number of waivers per calendar year may not exceed four; and

cc. At such time that the number of waivers available during the calendar year is exhausted by the addition of Waikiki legacy street activities that obtain legacy status after the effective date of the ordinance, no waivers may be granted by the mayor, unless and until waivers become available due to the subsequent loss of legacy status by a Waikiki legacy street activity.

2. Amend the heading to subdivision (2) to read: *Revocation of a street activity permit*; and to:

a. Add a paragraph (B) to provide that a permittee whose street activity permit has been revoked may pursue any remedy provided by law;

3. Add a new subdivision (3) with a new heading to read: *Termination of a street activity permit*; and to:

a. Add a paragraph (B) to provide that a permittee whose street activity permit has been terminated may pursue any remedy provided by law;

E. In SECTION 3 of the bill, amends ROH § 15-24.20(g) to separate the subsection into subdivisions relating to the adoption of rules, permit denial hearings, and including a list of Waikiki legacy street activities on the department's website.

F. In SECTION 4 of the bill, adds direction to the Revisor of Ordinances that in SECTION 3 of the ordinance, the Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH § 1-16.3(b)(1), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of the ordinance with the actual date on which the ordinance takes effect.

G. In SECTION 5 of the bill, changes the effective date of the bill from "January 1, 2025" to "upon approval."

H. Makes miscellaneous technical and nonsubstantive amendments.

3. **BILL 6 (2025) – RELATING TO STRUCTURES.** Addressing structures on, above, or below public sidewalks or malls. (Bill passed first reading on 1/29/25)

4. **BILL 1 (2025) – RELATING TO PUBLIC PLACES.** Authorizing outdoor dining services on certain public places. (Bill passed first reading on 1/29/25)

PROPOSED CD1 TO BILL 1 (2025) (Submitted by Councilmember Dos Santos-Tam) – The CD1 (OCS2025-0080/2/5/2025 2:47 PM) makes the following amendments:

A. In SECTION 2 of the bill:

1. Deletes the amendments made to existing ROH § 13-20.3 and enacts a new ROH § 13-20.3 that sets forth all amendments to the existing ROH § 13-20.3 to clarify that the outdoor dining services program will be permanent following the repeal of the outdoor dining services pilot program.

2. Adds a new subdivision (16) under proposed ROH § 13-20.3(e) that authorizes transfers of permits and renumbers subsequent subdivisions accordingly.

3. Amends proposed ROH § 13-20.3(f) to insert a specific deadline for the annual report required of the City department or agency designated by the Mayor to implement the outdoor dining services program.

B. Amends the effective date to clarify that all sections of the ordinance take effect on the day following the repeal date of Ordinance 22-19.

C. Makes various technical and nonsubstantive amendments.

FOR DISCUSSION

5. **RESOLUTION 25-10 – NOMINATION OF DOMINIC H.K. MILLES TO SERVE AS THE DIRECTOR OF DESIGN AND CONSTRUCTION.** Confirming the nomination of Dominic H.K. Milles to serve as the Director of Design and Construction of the City and County of Honolulu. (Transmitted by Communication MM-1; Public hearing held on 1/29/25)

6. **RESOLUTION 25-14 – NOMINATION OF GENE C. ALBANO, P.E. TO SERVE AS THE CHIEF ENGINEER OF THE DEPARTMENT OF FACILITY MAINTENANCE.** Confirming the nomination of Gene C. Albano, P.E., to serve as the Chief Engineer of the Department of Facility Maintenance of the City and County of Honolulu. (Transmitted by Communication MM-1; Public hearing held on 1/29/25)

7. **RESOLUTION 25-20 – NOMINATION OF J. ROGER MORTON TO SERVE AS THE DIRECTOR OF TRANSPORTATION SERVICES.** Confirming the nomination of J. Roger Morton, to serve as the Director of Transportation Services of the City and County of Honolulu. (Transmitted by Communication MM-1; Public hearing held on 1/29/25)

EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Hawai‘i Revised Statutes Sections 92-4 and 92-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to the Council’s powers, duties, privileges, immunities and/or liabilities relating to that item.

RADIANT CORDERO, Chair
Committee on Planning, Infrastructure & Transportation