HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

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March 27, 2026

TO: SHERRY ARCA, COMMITTEE AIDE
COMMITTEE ON ZONING & PLANNING

FROM: COUNCILMEMBER ESTHER KIA'ĀINA, CHAIR
COMMITTEE ON ZONING & PLANNING

RE: DRAFT COMMITTEE REPORT RELATING TO THE REVIEW AND EVALUATION OF THE PLANNING COMMISSION

'26 MAR 27 PM 12:40 CITY CLERK

Attached for consideration at the upcoming meeting of the Committee on Zoning & Planning is a draft committee report relating to the Committee's review and evaluation of the Planning Commission pursuant to Chapter 3, Article 15, Revised Ordinances of Honolulu 2021 (Ordinance 17-44).

Please number this communication and upload it to HNLDOC.

Attachment

COUNCIL COM. 60(26)

ZON

April __, 2026

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 ("Commission") pursuant to Ordinance 17-44, codified as Chapter 3, Article 15, Revised Ordinances of Honolulu 2021 ("ROH"), 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1973 (Amended 2017 Edition), as amended (the "Charter") establishing the Commission should be retained, amended, or repealed.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 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 and Permitting 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 the Charter or as may be assigned by the Mayor or the Council.

The 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. 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.

By Departmental Communication 57 (2026), dated January 30, 2026, the Commission submitted to the Council an updated report on its accomplishments and activities, as required by Ordinance 17-44 (see ROH § 3-15.4).

The Commission's report detailed that in the preceding five years, it held 14 meetings in 2021, four meetings in 2022, 13 meetings in 2023, 12 meetings in 2024, and five meetings in 2025.

The Commission reports that Commission staff and the Deputy Corporation Counsel assigned to the Commission are the two most important factors that help the Commission fulfill its Charter obligations, and having Commission staff and the assigned attorney dedicate more of their time to Commission matters would facilitate the Commission's work.

The Commission adheres to State Sunshine Law requirements regarding the posting of agendas, holding open meetings, uploading meeting recordings and meeting minutes to the Commission's website, and making Board materials available for public inspection. The Commission's operational costs primarily include mailing and publication costs for the Commission's public hearing notices.

The Commission recommends that Charter provisions establishing the Commission be retained without change, and also recommends that ROH § 22-3.5 be amended to provide that the DPP, not the Commission is responsible for adopting rules governing the subdivision or consolidation of land.

At your Committee's meeting on March 5, 2026, in response to a question from a Councilmember regarding the Commission's concerns about staffing by the Department of the Corporation Counsel ("COR") and the Commission's secretary, the Director of the Department of Planning and Permitting ("DPP"), the agency to which the Commission is administratively attached, commented that the Commission's secretary is part of the DPP's staff, with a salary that is limited based on the secretary's duties. The DPP is looking into providing the secretary with an office assistant.

A Deputy Corporation Counsel testified that a deputy corporation counsel is assigned to the Commission, all deputies have numerous duties, and the Commission does not have sufficient responsibilities to justify all of the deputy's time being dedicated to the Commission. However, COR will consider and discuss the Commission's concerns.

In response to a question from a Councilmember about achieving and maintaining quorum for Commission meetings, the DPP Director stated that while quorum is always a concern for voluntary boards and commissions, it does not seem to be impacting the Commission at this time. The DPP Director emphasized it is important for the City to fill any vacancies on the Commission, and members of the public who are interested and qualified should think about volunteering.

The Councilmembers discussed that the Commission had difficulty achieving and maintaining quorum several years ago, which affected the Commission's ability to timely review measures and make recommendations to the Council. Since the City needs a fully functioning Commission, the Commission Chair should consider whether Commission members with repeated absences should remain on the Commission.

At your Committee's meeting on March 5, 2026, your Committee received no verbal or written public testimony on the Planning Commission.

Your Committee postponed action on the matter.

At your Committee's meeting on April 2, 2026, your Committee considered Council Communication __ (2026), relating to a draft Committee Report, and the attached proposal amending ROH § 22-3.5.

Your Committee, after due consideration, finds that:

1. Charter Section 6-1503(h) expressly requires the DPP Director to prepare the land subdivision code and rules and regulations, and any amendments thereto.

2. The City's land subdivision code is set forth in ROH Chapter 22 (the "Subdivision Ordinance").

3. Charter Section 6-1506, relating to the powers, duties, and functions of the Commission, does not require the Commission to make recommendations on proposals to adopt or amend the Subdivision Ordinance.

4. Amendments to the Subdivision Ordinance proposed by the Council are processed by the DPP Director, but are not reviewed by the Commission.

5. ROH § 22-3.5 provides that the Commission is required to adopt rules and regulations governing the subdivision or consolidation of land, but this conflicts with Charter Sections 6-1503(h) and 6-1506, which clearly place the responsibility to adopt Subdivision Ordinance rules and regulations on the DPP Director.

6. Since Charter provisions take precedence over ROH provisions, ROH § 22-3.5 should be amended to be consistent with Charter Sections 6-1503(h) and 6-1506.

Based on the foregoing, your Committee recommends that the Charter provisions establishing the Planning Commission be retained without change, amendment, or repeal, but recommends that ROH § 22-3.5 be amended to provide that the DPP Director, not the Commission, is responsible for adopting rules governing the subdivision or consolidation of land.

A draft resolution with attached Exhibit A bill proposing an amendment to ROH § 22-3.5 implementing your Committee's recommendation is attached hereto.

Your Committee on Zoning & 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

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. _____

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 22, REVISED ORDINANCES OF HONOLULU 2021 (THE SUBDIVISION ORDINANCE), RELATING TO THE ADOPTION OF RULES.

WHEREAS, Section 6-1503(h), Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended (the "Charter"), expressly requires the Director of Planning and Permitting to prepare the land subdivision code and rules and regulations, and any amendments thereto; and

WHEREAS, the land subdivision code of the City and County of Honolulu ("City") is set forth in Chapter 22 (the "Subdivision Ordinance"), Revised Ordinances of Honolulu 2021 ("ROH"); and

WHEREAS, Charter Section 6-1506, relating to the powers, duties, and functions of the Planning Commission ("Commission"), does not require the Commission to make recommendations on proposals to adopt or amend the Subdivision Ordinance; and

WHEREAS, ROH § 22-3.5 provides that the Commission is required to adopt rules and regulations governing the subdivision or consolidation of land, but this conflicts with Charter Sections 6-1503(h) and 6-1506, which clearly place the responsibility to adopt Subdivision Ordinance rules and regulations on the Director of Planning and Permitting; and

WHEREAS, since Charter provisions take precedence over ROH provisions, the Council wishes to amend ROH § 22-3.5 to be consistent with Charter Sections 6-1503(h) and 6-1506; and

WHEREAS, the draft bill, attached hereto as Exhibit A, proposes an amendment to the Subdivision Ordinance by revising ROH § 22-3.5 to provide that the Director of Planning and Permitting, not the Commission, is responsible for adopting rules governing the subdivision or consolidation of land; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting is directed, pursuant to Charter Section 6-1503(h), and ROH Chapter 2, Article 24, Part A, to process the proposed amendment to ROH Chapter 22 (the Subdivision Ordinance), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director; and

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. _____

RESOLUTION

BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the City Clerk shall transmit copies of this resolution and the Exhibit A attached hereto to the Director of Planning and Permitting, and shall advise the Director in writing of the date by which the Director's report and accompanying proposed ordinance are required to be submitted to the Council.

INTRODUCED BY:

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_____

DATE OF INTRODUCTION: _____

_____

_____ _____

Honolulu, Hawai'i Councilmembers

EXHIBIT A

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

RELATING TO AN AMENDMENT TO CHAPTER 22, REVISED ORDINANCES OF HONOLULU 2021 (THE SUBDIVISION ORDINANCE).

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the provisions in Chapter 22, Revised Ordinances of Honolulu 2021 (the Subdivision Ordinance) relating to the agency responsible for the adoption of rules for the subdivision and consolidation of land.

SECTION 2. Section 22-3.5, Revised Ordinances of Honolulu 2021 ("Regulations governing the subdivision or consolidation of land"), is amended by amending subsection (a) to read as follows:

"(a) The [~~planning commission~~] director shall adopt rules and regulations governing the subdivision or consolidation of land, including the procedure and conditions precedent to the approval thereof."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New ordinance 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 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION: _____

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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