

**Report of the
Permitted Interaction Group
On Proposals Relating to
Planning and the
Department of Planning and Permitting**

April 7, 2016

Members:

**Cheryl D. Soon, Chair
Nathan Okubo, Esq.
The Honorable John Waihee**

PERMITTED INTERACTION GROUP REPORT ON:

PLANNING AND THE DEPARTMENT OF PLANNING & PERMITTING

The Honolulu Charter Review Commission formed a Permitted Interaction Group on February 19, 2016 for the purpose of investigating proposals and issues relating to planning in the City including but not limited to the Department of Planning and Permitting.

The Planning Permitted Interaction Group met three times, on February 26, March 16 and March 21, 2016. Eight proposals were reviewed, many having multiple provisions in them. This report provides Recommendations for further consideration by the Charter Commission.

I. RECOMMENDED FOR DISCUSSION & APPROVAL

Proposals #38, 54, and 120

Objective and Explanation:

Create a new requirement that twenty year functional plans be prepared for major infrastructure including water, wastewater, transportation, parks & recreation facilities, drainage & flood control.

These functional plans are meant to be sufficiently detailed, including maps, and current to serve as the basis for funding requests over \$2 million in the annual Capital Budget (Section 9-103).

The Functional Plans would be submitted to the Planning Commission which would review them for conformity to the General Plan, Development Plans and TOD Plans. Functional Plans would be adopted (or amended) by the City Council by Resolution.

The adopted functional plans would provide comprehensive and contextual information to the responsible agencies, Council and others.

Charter Changes to achieve this Objective:

- Chapter 8 Department of Environmental Services, Section

(g) Prepare a Functional Plan for Solid Waste and Wastewater with appropriate maps and list of projects to support requests in the annual capital budget; such projects should include actions necessary to address the effects of climate change

- Chapter 9 Department of Facility Maintenance, Section 6-902. Powers, Duties and Functions

(d) Prepare a Drainage and Flood Control Functional Plan with appropriate maps and list of projects to support requests in the annual capital budget; such projects should include actions necessary to address the effects of climate change.

- Chapter 14 Department of Parks and Recreation, Section 6-1403

(e) Prepare a Parks Functional Plan with appropriate maps and list of projects to support requests in the annual capital budget; such projects should include actions necessary to address the effects of climate change.

- Chapter 15 Department of Planning and Permitting, Section 6-1506 of the Planning Commission powers, duties, and functions

(c) Review Functional Plans prepared by the Departments of Environmental Services, Parks and Recreation, Transportation Services, Facility Maintenance and the Board of Water Supply as to their conformity with the General Plan, Development Plan, and TOD Plans. Provide a report and recommendation to the Council regarding the appropriateness of their adoption.

- Chapter 17 Department of Transportation Services, Section 6-1703

(f) Prepare a Multi-Modal Functional Plan with appropriate maps and list of projects to support requests in the annual capital budget; such projects should include actions necessary to address the effects of climate change.

- Article VII Board of Water Supply, Section 7-103

(e) Prepare a Drainage and Flood Control Functional Plan with appropriate maps and list of projects to support requests in the annual capital budget; such projects should include actions necessary to address the effects of climate change

- Article IX Financial Administration, Chapter 1 Budgeting Section 9-103 Scope of the Annual Executive Budget

(c) (4) An explanation of the relationship of the capital program and budget to the general plan and development plans of the City as well as the Functional Plans prepared by infrastructure agencies and adopted by resolution by the Council.

II. RECOMMENDED FOR FURTHER DISCUSSION BY THE FULL CHARTER COMMISSION

The Planning Permitted Interaction Group found merit in Proposal 81 Establish dimensional zoning variance criteria. This Administration proposal was introduced to address the large number of variances applied for on a regular basis by small landowners who experience hardship. Current variance changes are limited to Use, not dimensions

(height, set back). However, the PIG also feels this proposal would be controversial because of recent case which would make it appear to apply to large landowners and attempt to benefit a single entity. On balance, the PIG makes no specific recommendation, but leans towards a HOLD. However, we recommend further discussion among Commission members might determine if there is consensus to move this proposal forward.

III. PROPOSALS AND ISSUES INVESTIGATED WITH RECOMMENDATION FOR NO FURTHER CONSIDERATION

Proposal # 1 Require the Planning Commission members and Corporation Counsel assigned to the Planning Department to take APA training; and to have the sunshine law apply to the Planning Commission.

Comments/Analysis: However meritorious training might be, this does not rise to being a Charter level change and can be accomplished in other ways. Regarding the Sunshine law, Planning Commission is subject to it already.

Proposal # 38 This proposal would make several so-called housekeeping amendments to the duties of the Director of DPP.

Comments/Analysis:

- Drop the requirement for the Bi-Annual Report (Section 6-1503(d) Do not concur; the bi-annual report is meant as benchmarking for the General plan and should remain a requirement.
- Add duties assigned by the State of Hawai'i. (Section 6-1506). Meritorious, but not significant enough to warrant a charter amendment, unless there is a more omnibus measure where it can be included.
- Content of Development Plans to include objectives [standards]. No objection, but not significant enough to warrant a charter amendment, unless there is a more omnibus measure where it can be included.
- In reviewing the General Plan and Development Plans, Consult the people of the city in the formulation, evaluation and amendment. No need for this amendment as it is currently practiced.
- Revisions to Comprehensive Zoning Code to address how it meets the general plan and development plans. No objections but not significant enough to warrant a charter amendment, unless there is a more omnibus measure where it can be included.

Proposal #118 Change Planning Districts to the six Hawaiian moku.

Comments/Analysis:

This proposed change has cultural perspective; but it appears to have some implementation challenges. Recommend that instead of a Charter change, this be considered by the DPP and others.

Proposal #123 Charter Commission to use performance metrics for charter amendments with annual reporting to be assigned to the City Auditor.

Comments/Analysis

The Permitted Action Group did not agree with this proposal and found it cumbersome. It could be considered again when other proposals relating to the Charter Commission are considered.

Issue: Eliminate the Planning Commission

The PIG finds the Planning Commission serves an important purpose in reviewing planning documents and activities and allowing for active public participation. The PIG does not recommend any change.

Issue: Add Shoreline Management Area to the authorities of the Planning Commission. This is an authority that Neighbor Island Planning Commissions have, but currently in Honolulu the authority lies with the Council. No change recommended.

Issue: Add Climate Change to the duties of the Department of Planning & Permitting. While there is some merit to this idea from a policy perspective, the duties for action would be better vested in an Office under the Mayor of MD as discussed by the full Charter Commission.

Issue: Have DPP under the Mayor rather than the Managing Director.

This idea would return to the status of the department as it was prior to the 2003 charter changes. It would reflect an overarching position for grounding policy direction for all departments and agencies. While the idea has some merit, it is not recommended at this time because the current system is working sufficiently well.