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Hawai'i Chapter

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October 27, 2015

To: City and County of Honolulu Charter Commission
From: Hawai'i Chapter of the American Planning Association
RE: Proposed Charter Amendments
Date: October 1, 2015

The Hawai'i Chapter of the American Planning Association (APA Hawai'i) supports the efforts of the Charter Commission and extends our sincerest appreciation for reaching out to APA Hawai'i for our input. Many hours were spent by our Public Issues/Governmental Affairs Committee to develop the following recommendations for Charter amendments, which on October 19, 2015 were voted on by the APA Hawai'i Executive Committee to submit to the Commission for consideration. The proposed amendments are summarized below:

1. Make minor revisions to the functions of the Department of Planning and Permitting.
2. Create a second Deputy Director position in the Department of Planning and Permitting.
3. Require preparation of long-term Functional Plans for wastewater facilities, transportation systems, and parks and recreational facilities that are consistent with the General Plan and Development Plans.
4. Expand the responsibilities of the Department of Community Services to centralize the City's housing functions; eliminate the Mayor's Office of Housing.
5. Change the period of affordability associated with the Affordable Housing Fund.
6. Require that the Charter Commission specify the purpose of proposed amendments; require the use of metrics to assess past and future amendments.

Completed proposed amendment forms, per the Commission's online submission instructions, are attached.

Regardless of which amendments are presented to the voters in 2016, APA Hawai'i offers its assistance to help draft the ballot questions. We would also be available to help guide the content and format of information pertaining to the Charter questions communicated in advance of the vote.

Should you have any questions about our proposed amendments, please contact Kimi Yuen, APA Hawai'i Chapter President, at apahi.yuen@gmail.com or Katia Balassiano, APA Hawai'i Public Issues/Governmental Affairs Committee Co-chairperson, at kbalassiano@yahoo.com.

*founded in 1962, the
hawai'i chapter has over
300 members, including
planning officials, public
and private sector planners,
and community advocates,
on the major islands
across the state*

***e mālama pono i ka 'āina;
nānā mai ke ola
take good care of the land;
it grants you life***

Proposal #038

PROPOSED CITY & COUNTY OF HONOLULU CHARTER AMENDMENTS

AMENDMENT: REVISE THE DUTIES OF THE DPP

1. Provide a brief description of the purpose of the proposed charter amendment; include a description of the problem the proposal would address and how the proposal would address the problem:

Proposed revisions primarily reflect housekeeping updates, deleting or simplifying overly detailed provisions, and strengthening ties between planning and implementation.

2. If applicable, list the charter provision(s) proposed to be deleted or amended:

- Sec. 6-1503(d) Delete the biennial report requirement- excessive amount of reporting; already required to file annual reports and annual review of city budget proposals
- Sec. 6-1503(k) Consolidate language; require review of infrastructure plans against adopted city policies, as well as standards
- Sec. 6-1506 Add reference to mandates from the State of Hawai'i
- Sec. 6-1509 Replace "standards" with "objectives" with respect to contents of development plans
- Sec. 6-1510 Delete details on how general plan and development plans are formulated, but add references to public participation.
Drop provision that DPP director can assign studies to other agencies; not realistic or practical.
Drop mandatory review of General Plan every ten years, as the policy statements tend to be timeless, and historically is reviewed only when significant changes to population forecasts are made by the State.
Highlight evaluation of plan implementation through review of regulations and budgets (performance metrics), and drops references to biennial report.
- Sec 6-1513 Add requirement that zoning ordinance changes proposed by city council must include discussion on compliance with general plan and applicable development plan and adopted neighborhood plan.

3. If the proposal is based on a provision or provisions in the charter or law of another jurisdiction, name the jurisdiction and, if possible, attach a copy of the relevant provision(s).

Not applicable.

4. If the proposal is based on any written materials you have, please attach a copy with a citation to its source.

Not applicable.

5. Attach the text of the proposed charter amendment in Ramseyer format (see below).

Sec. 6-1503(d) biennial report

d) [Prepare and submit to the council on at least a biennial basis a report on the condition of the city in terms of the general plan and development plans. In addition, t]The director shall prepare and submit to the council an annual report on the current status of land use and other data pertaining to the development plans.

Sec. 6-1503(k) infrastructure plans

(k) Review infrastructure plans the [following] for conformance to city standards and policies, including but not limited to wastewater, water, drainage and flood control systems, rights-of way improvements, and bridges:

[(1) Plans for wastewater facilities for other than city projects;

(2) Plans for construction, reconstruction, widening and maintenance of public streets and roads, including utilities, landscaping, street lighting, traffic control and related items;

(3) Plans for the construction, reconstruction and maintenance of bridges and walkways and drainage and flood control systems.]

Sec. 6-1506 Powers, Duties and Function

(c) Perform such other related duties as may be necessary to fulfill its responsibilities under this charter or as may be assigned by the state of Hawai'i, mayor or the council.

Sec. 6-1509 Development Plans

"Development plans" shall consist of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan within the city. A development plan shall include a map, statements of [standards] objectives and principles with respect to land uses, statements of urban design principles and controls, and priorities as necessary to facilitate coordination of major development activities. The development plans and maps (which shall not be detailed in the manner of zoning maps) shall describe the desired urban character and the significant natural, scenic and cultural resources for the several parts of the city to a degree which is sufficient to serve as a policy guide for more detailed zoning maps and regulations and public and private sector investment decisions.

Sec. 6-1510 Preparation and Review of the General Olan and Development Plans

1. The director shall prepare the general plan and development plans. In preparing such plans, the director shall consult with all agencies of the executive branch. [The director, with the approval of the mayor, may assign any relevant study to any agency. Any agency may undertake the study of any matters relating to such plans which are within the scope of its duties. The director shall evaluate all such studies and other reports and information.]

2. The people of the city living in an area likely to be affected by a development plan under preparation by the director shall be consulted in the formulation, evaluation, and

amendment of each plan. [given a reasonable opportunity to present facts and arguments relative to the matters under study.]

3. In preparing, evaluating and amending such plans, the director shall consult with persons responsible for the development activities of other governmental and private organizations operating within the city.

4. [The director shall prepare a biennial report which reviews the condition of the city and the city's regulatory system and capital improvement program with respect to the policies and objectives of the general plan and guidelines and principles of the development plans. The report may recommend revisions to the general plan and development plans or changes to implementing regulatory or budgetary programs. The report shall be submitted to the council prior to the end of the first and third years of the mayor's term in office. In addition, the director shall undertake a comprehensive review of the general plan at least once every ten years.] In updating such plans, the director shall assess the achievement of the plan's objectives and policies, including contributions made by regulatory and budgetary programs.

Sec 6-1513 Council Proposals for Amendments to the Zoning Ordinances
Any revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director. Any such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director's usual requirements for the commencement of processing, including an assessment of how the proposal meets provisions of the general plan, and applicable development plan and adopted neighborhood plan. If the planning commission disapproves the proposed revision or amendment or recommends a modification thereof, not accepted by the council, or fails to make its report within a period of either thirty days after close of its public hearing or ninety days after its receipt by the commission, whichever occurs first, the council may nevertheless adopt such revision or amendment, but only by the affirmative vote of at least two-thirds of its entire membership.

Proposal #119

AMENDMENT: ADD A DPP DEPUTY DIRECTOR

1. Please provide a brief description of: The Proposed Charter amendment, the purpose of the proposed Charter amendment, the issue or problem to be addressed by the proposal, and how the proposal would address the issue or problem.

This proposal provides for an additional Deputy for the Department of Planning and Permitting. The 1998 reorganization of the Executive Branch created the Department of Planning and Permitting. The new department assumed the functions of the former Department of Land Utilization and Department of General Planning, as well as some functions performed by the former Building Department, Department of Housing and Community Development, Department of Parks and Recreation, Public Works, Department of Transportation, and Department of Wastewater Management. Combining the functions previously performed by several disparate Departments into a single Department was, and continues to be, beneficial since it recognizes the close relationship between planning, permitting, and development functions, and the efficiency gained by placing these functions under one "roof". However, the scope of the Department of Planning and Permitting's functions can be overwhelming for a Director and single Deputy. In particular, Planning functions may become of secondary importance as there is always a pressing need to address time-sensitive permitting and development functions. Having a second Deputy to assist with the Department's administration will help to ensure that all of the Department's functions are fulfilled.

2. If applicable, list the Charter provision(s) affected by the proposal:

Section 6-1103 ("Civil Service and Executive Branch Exemptions"), subsection "i".

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

The provision is not based on the charter or laws of another jurisdiction.

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

Not Applicable.

5. Attach the text of the proposed Charter amendment in Ramseyer format.

Section 6-1103 ("Civil Service and Executive Branch Exemptions"):

"(i) Positions of one first deputy; and for the Honolulu Police Department and Department of Planning and Permitting one additional deputy; private secretaries to heads of departments and their deputies; and the position of managing director, one first deputy and private secretaries to each; but private secretarial positions shall be included in the position classification plan. The first deputy in the department of human resources, however, shall not be exempt from civil service."

Proposal #120

AMENDMENT: FUNCTIONAL PLANNING CHARTER AMENDMENT PROPOSAL

1. Please provide a brief description of: The Proposed Charter amendment, the purpose of the proposed Charter amendment, the issue or problem to be addressed by the proposal, and how the proposal would address the issue or problem.

The purpose of this proposal is to require the preparation of functional plans for wastewater facilities, transportation systems, and parks and recreational facilities. The functional plans would be required to cover a period of at least twenty years and be consistent with the pattern of growth specified by the General Plan and Development Plans. The Charter presently does not require the preparation of functional plans.

This Charter amendment is necessary because Oahu's pattern of growth and development is highly dependent on the availability of infrastructure. Functional plans can be an effective tool to accommodate growth in certain areas of the city, while constraining growth in others. While the General Plan and Development Plans specify a desired pattern of growth, infrastructure systems and public services must be planned in advance to accommodate planned development.

2. If applicable, list the Charter provision(s) affected by the proposal:

Section 6-503 ("Powers, Duties and Functions" of the Director of Design and Construction)
Section 6-803 ("Powers, Duties and Functions" of the Director of Environmental Services)
Section 6-1403 ("Powers, Duties and Functions" of the Director of Parks and Recreation)
Section 6-1503 ("Powers, Duties and Functions" of the Director of Planning and Permitting)
Section 6-1703 ("Powers, Duties and Functions" of the Director of Transportation Services)

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

The provision is not based on the charter or laws of another jurisdiction.

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

Not Applicable.

5. Attach the text of the proposed Charter amendment in Ramseyer format (see instructions below).

Section 6-503. Powers, Duties and Functions

The director of design and construction shall:

(a) Direct and perform the planning, engineering, design, construction and improvement of public buildings.

(b) Direct and perform the planning, engineering, design and construction of public streets, roads, bridges and walkways, and drainage and flood improvements.

(c) In consultation with the respective departments, [direct and perform] implement the project planning, engineering, design and construction of wastewater facilities, parks and recreational facilities, and transportation systems specified in the respective functional plans.

Section 6-803. Powers, Duties and Functions

The director of the department of environmental services shall:

(a) Prepare a long-range functional plan for wastewater facilities of the city, covering a period of at least twenty years, and consistent with the pattern of growth specified in the General Plan and Development Plans.

[(a)] (b) Advise the director of design and construction concerning the project planning and design of wastewater facilities.

[(b)] (c) Oversee the operation and maintenance of sewer lines, treatment plants and pumping stations.

[(c)] (d) Monitor the collection, treatment and disposal of wastewater.

[(d)] (e) Provide chemical treatment and pumping of defective cesspools.

[(e)] (f) Develop and administer solid waste collection, processing and disposal systems.

[(f)] (g) Promulgate rules and regulations as necessary to administer and enforce requirements established by law.

[(g)] (h) Perform such other duties as may be required by law.

Section 6-1403. Powers, Duties and Functions

The director of parks and recreation shall:

(a) Prepare a long-range functional plan for parks and recreational facilities of the city, covering a period of at least twenty years, and consistent with the pattern of growth specified in the General Plan and Development Plans.

[(a)] (b) Advise the director of design and construction on the project planning and design of the parks and recreational facilities of the city, and maintain and operate all such facilities.

[(b)] (c) Develop and implement programs for cultural, recreational and other leisure-time activities for the people of the city, except as otherwise provided by law.

[(c)] (d) Beautify the public parks, facilities and streets of the city, including, but not limited to, the planting, trimming and maintaining of all shade trees, hedges and shrubs on such city parks, facilities and streets.

[(d)] (e) Process permit applications to use city parks and recreational facilities for free or affordable child day care programs for consideration by the council pursuant to Section 3-123 of this charter, provided that the director finds that such use does not interfere with the public's use of the property for park and recreational purposes.

Section 6-1503. Powers, Duties and Functions

The director of planning and permitting shall:

(a) Prepare a general plan and development plans, and revisions thereof, for the improvement and development of the city.

(b) Establish procedures for adopting and revising the general plan and development plans and amending state land use district boundaries. The director's procedures shall include provisions for the processing of any proposed revision to the general plan or development plans which is submitted with the prescribed level of supporting documentation, regardless of whether the proposal is supported by the director or the council. However, a proposal lacking such support shall be processed as an "unendorsed proposal" under the provisions of this chapter.

(c) Review the executive operating and capital program and budget for conformance to the purposes of the general and development plans and make a written report of findings to the council within thirty days after receipt of such program and budget.

(d) Prepare and submit to the council on at least a biennial basis a report on the condition of the city in terms of the general plan and development plans. In addition, the director shall prepare and submit to the council an annual report on the current status of land use and other data pertaining to the development plans.

(e) Undertake studies and prepare plans for special planning areas and issues.

(f) Perform other functions that will promote comprehensive planning, public participation and an efficient planning process.

(g) Prepare zoning ordinances, maps and rules and regulations and any amendments thereto.

(h) Prepare the land subdivision code and rules and regulations and any amendments thereto.

(i) Establish procedures for the review of land utilization applications.

(j) Be charged with the administration and enforcement of the zoning, subdivision, park dedication, building and housing ordinances, and rules

and regulations adopted thereunder, and any regulatory laws or ordinances which may be adopted to supplement or replace such ordinances.

- (k) Review the following for conformance to city standards:
 - (1) Plans for wastewater facilities for other than city projects;
 - (2) Plans for construction, reconstruction, widening and maintenance of public streets and roads, including utilities, landscaping, street lighting, traffic control and related items;
 - (3) Plans for the construction, reconstruction and maintenance of bridges and walkways and drainage and flood control systems.

(l) Review the following for conformance to the general plan and development plans:

- (1) Wastewater functional plan;
- (2) Parks and recreational facilities functional plan;
- (3) Transportation systems functional plan.

Section 6-1703. Powers, Duties and Functions

The director of transportation services shall:

- (a) [Plan] Prepare a long-range functional plan for the city's transportation systems covering a period of at least twenty years, operate and maintain transportation, including transit, systems to meet public transportation needs, in accordance with the general plan and development plans, and advise on the design and construction thereof.
- (b) Locate, select, install and maintain traffic control facilities and devices.
- (c) Provide educational programs to promote traffic safety.
- (d) Promulgate rules and regulations pursuant to standards established by law.

Proposal #121 AMENDMENT: EXPAND DEPARTMENT OF COMMUNITY SERVICES TO INCLUDE HOUSING

1. Please provide a brief description of: The Proposed Charter amendment, the purpose of the proposed Charter amendment, the issue or problem to be addressed by the proposal, and how the proposal would address the issue or problem.

This proposal expands the authority of the Department of Community Services and renames it the Department of Housing and Neighborhood Services. This proposal also eliminates the Mayor's Office of Housing.

The City and County's Department of Housing was dismantled in 1998 as a result of the Ewa Villages Scandal. The Department's duties were distributed primarily to the Department of Community Services (DCS). Other duties were assigned to the Department of Planning and Permitting (DPP), Department of Facility Maintenance (DFM), and Budget and Fiscal Services (BFS). Construction of new affordable housing became primarily the responsibility of the private and non-profit sectors.

The cost of housing continues to escalate and Honolulu is plagued by homelessness and overcrowding. The Mayor's Office of Housing, DCS, and DPP – while doing their best to respond diligently and creatively to housing needs – have discussed a less fragmented solution. In 2014, the Mayor's Office of Housing, DCS, BFS, and DPP introduced a jointly prepared report titled "Housing Oahu: Islandwide Housing Strategy" to the City Council. The Strategy called for the creation of an entity to manage housing on behalf of the City, along with other recommended actions.

This proposed Charter amendment recommends concentrating all city housing-related functions within DCS, and renaming DCS the "Department of Housing and Neighborhood Services". This proposal also recommends eliminating the Mayor's Office of Housing and transferring its duties to the proposed "Department of Housing and Neighborhood Services". The expanded Department will serve as the focal point for affordable housing and homelessness concerns and coordinate housing programs with human services.

2. If applicable, list the Charter provision(s) affected by the proposal:

Section 6-106 ("Office of Housing").
Section 6-301 ("Department of Community Services")

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

The Counties of Kaua'i, Maui and Hawai'i all have departments or agencies similar to the Housing and Neighborhood Services proposed hereby.

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

Not Applicable.

5. Attach the text of the proposed Charter amendment in Ramseyer format.

[Section 6-106. Office of Housing -- There shall be an office of housing headed by an executive for housing who shall be appointed and may be removed by the mayor. The executive for housing shall have had a minimum of three years experience in the administration of affordable housing programs or projects or programs for low-income, homeless or special needs populations. The executive for housing shall:

(a) Oversee, coordinate and direct the development, preparation and implementation of plans and programs relating to affordable housing, senior housing, special needs housing, and homelessness, for the benefit of the people of the city.

(b) Oversee, coordinate and direct the activities and functions of the city relating to affordable housing, senior housing, homelessness, and special needs housing.

(c) Coordinate city activities and programs relating to affordable housing, senior housing, homelessness, and special needs housing with those of the state and federal governments and those of public or private housing organizations within the state.]

CHAPTER 3 - DEPARTMENT OF [COMMUNITY SERVICES] HOUSING AND NEIGHBORHOOD SERVICES

Section 6-301. Organization -- There shall be a [department of community services] department of housing and neighborhood services which shall consist of a director of [community services] housing and neighborhood services, who shall be appointed and may be removed by the mayor, and the necessary staff.

Section 6-302. Powers, Duties and Functions -- The director of [community services] housing and neighborhood services, shall:

(a) Develop and administer projects, programs and plans of action for human resources and human services programs.

(b) Develop and administer projects, programs and plans of action designed to achieve sound [community development] neighborhood services, provided that such projects, programs and plans of action conform to and implement the general plan and development plans.

(c) Act as the local public officer for the purpose of implementing federally-aided and state-aided human resources, human services, housing, urban renewal and community development programs.

(d) Oversee, coordinate and direct the development, preparation and implementation of long-range functional plans and programs in support of the production and maintenance of affordable housing for the benefit of the people of the city.

(e) Develop and maintain affordable housing with government resources, and support the production of affordable housing by private and non-profit developers.

Proposal #122 AMENDMENT: REVISE THE AFFORDABLE HOUSING FUND

1. Please provide a brief description of the items above:

The charter specifies how the Affordable Housing Fund (AHF) may be used to provide and maintain affordable housing and requires the "the housing remain affordable in perpetuity". In order to allow the Affordable Housing Fund money to achieve the Fund's purposes, an amendment is needed to remove the "in perpetuity" requirement as too few government or private funders are willing to partner with the City to accept a contribution from the Fund to a particular project. The time period does not recognize that conditions may change and need to be reassessed over time. Without the ability to loan or grant the AHF money to an affordable housing development, a project would have to be funded 100% by the AHF which is infeasible.

2. If applicable list the Charter provision(s) affected by the proposal:

Article IX Financial Administration, Chapter 2 Fund Administration

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

Not applicable

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

None

5. Attach the text of the proposed Charter amendment in Ramseyer format.

Section 9-204.3, Revised Charter of the City and County of Honolulu 1973

3. Moneys in the Affordable Housing Fund shall be used to provide and maintain affordable housing for persons earning less than fifty percent of the median household income in the city for the following purposes: provision and expansion of affordable housing and suitable living environments principally for persons of low and moderate income through land acquisition, development, construction, and maintenance of affordable housing for sale or for rental, provided that the housing remains affordable [in perpetuity] for at least sixty years.

Proposal #123

AMENDMENT: REQUIRE THE USE OF METRICS TO ASSESS CHARTER AMENDMENTS

- 1. Please provide a brief description of: The Proposed Charter amendment, the purpose of the Charter amendment, the issue or problem to be addressed by the proposal, and how the proposal addresses the issue or problem.**

The proposal calls for the use of performance “metrics” to measure the need and impact of Charter amendments and, over time, the activity and performance of that amendment. Currently there is no basis for determining the merits of Charter amendments and when passed, no set of metrics are in place to measure the performance and effectiveness of the amendment in accomplishing the intended goal(s) of the amendment. The use of metrics to measure the effectiveness of public policy enhances accountability, enables evaluation of progress, and assists in decision-making. It enables lawmakers to communicate what is important by what is measured. This focus and information will more likely help the city to reach its goals. Typical quantifiable metrics in determining performance and effectiveness include, but are not limited to, safety, time, cost, resources, scope, quality and actions in the attainment of goals or policies.

- 2. If applicable, list the Charter provision(s) affected by the proposal.**

Article 15 – Charter Amendment and Revision – Section 15-105 (4) Mandatory Review and Section 15-107 Administrative Rules

- 3. If the proposal is based on a provision or provisions in the Charter or laws of another jurisdiction (e.g., another county, city or municipality), name the jurisdiction and if possible, attach a copy of each provision or law.**

Not Applicable.

- 4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source**

Not Applicable.

- 5. Attach the text of the proposed Charter amendment in Ramseyer format**

Section 15-105. Mandatory Review

“(4) The commission shall publish, not less than forty-five days before any election at which charter amendments or a revised charter are submitted, at least once in a daily newspaper of general circulation within the city, a brief digest of the amendments or revised charter including the establishment of a reasonable set of metrics to measure performance of said amendment or revised charter in attaining a stated public goal or policy and a notice to the electorate that copies of the amendments, metrics or revised charter are available at the office of the city clerk.”

Section 15-108. Amendment Audit – The city auditor with the appropriate assistance from available city departments will examine the established performance metrics for said

charter amendment or revised charter and annually report to the appropriate legislative body the results and findings of said examination with a statement of determination about the performance and progress towards attaining the stated goal(s) of said amendment or revised charter.